THE

Church-Anatomy:

OR, A

REPRESENTATION

OF THE

Preſent Conſtitution

OF THE

Church of *England.*

Drawn up by a COMMITTEE of PROTESTANT LAYMEN.

WITH A

Dedication to the Members of the late *Committee* of the *Convocation.*

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TO THE

MEMBERS

Of the late

Committee of the *Convocation.*

GENTLEMEN,

YOU are so fully expos'd to the Eye of the World, and the following Subject leads so naturally to You as its Patron, that the Publisher would have been guilty of an unpardonable Fault, to have chose any other, either single Person or Collective Body of Men, to have address'd to.

I cannot but with much Grief of Heart lament Your busying Your selves in an Affair, which has turn'd so much to Your

Diſhonour; eſpecially when it would have been ſo much more commendable to have conſider'd ſome of the Things mention'd in the following Sheets. Who knows but if theſe, with many other Matters of juſt Complaint had come under Your grave Notice, but *One* or Other of Your Worthy Members might have found out ſome *Beauty-Waſh*, to have cover'd thoſe Decays which are ſo evident in the Conſtitution of our Holy Mother!

Having mention'd theſe Words, *Holy Mother*, I cannot but obſerve to You, what You Your ſelves muſt have obſerv'd, that notwithſtanding many *genuine Sons* have aſſerted her Sex, and that ſhe is a very delicate fine Lady, full of Charms and Influence; yet her very Being has of late been call'd in Queſtion, and her boaſted Female Beauty been declar'd imaginary.

Nor have her Enemies confin'd themſelves to this: They have not only declar'd againſt her being a *Belle Feme*, a gay young Creature, but they have gone farther, and will not allow her to be an *Authoritative* Old Woman; They declare againſt her Threats as Chimeras, that ſhe has no Rods over the Chimney, and that her angry Words are mere Air.

To

To theſe Opinions their farther Sentiments do well agree: Having ſcrupled her Being, and ſet at nought her Railing and Cenſures, they ſeem not to value her Bleſſings and Favour much more; but boldly aſſert, her *Fair Words will butter no Parſnips*, that her ſpecious Pretexts are all Shams, and that ſhe has not Intereſt enough to keep off a Beating.

Theſe Doctrines naturally tend to breed in the Minds of Young Fellows, a Diſregard of her Perſon, which has hitherto claim'd great Reverence and Reſpect; they will be apt to conclude her only a Shadow, a Name without a Subſtance, or at beſt but as a Piece of Mrs. *Salmon*'s Wax-Work.

Againſt ſuch Arguings as theſe, one would have thought, we have been ſufficiently guarded by the painful Preachings of ſeveral in this City, who are not doubted to underſtand Fleſh and Blood well; theſe, I ſay, do not fail in every Diſcourſe to inform their Hearers of the Being and Beauty of this gallant Gentlewoman, but in fine-turn'd Periods, and due Emphaſis of Sound, too frequently impreſs the Phraſes, *Our Moſt Holy* or *Moſt Excellent Mother*, to leave Perſons ignorant

rant of her being of the Feminine Gender.

But the Reproaches of her Adverſaries are not reſtrain'd here, as appears by what is commonly urg'd by Them: They ſay, allowing her to be a Lady, ſhe can by no Means be *Excellent* and *Holy*, inaſmuch as ſhe is acknowledg'd to have led a bad Life, and been ſo far from having Legitimate Heirs enjoying her Eſtate Regularly, that ſhe has had ſeveral By-blows, run away with Strangers, and diſown'd her Children born in Wedlock.

The Uſe they make of theſe Things, is farther plain; for they tell us, our Holy Mother has been long ſince deceas'd: And that, beſides the Unlikeneſs of every Modern to the Original Matron, ſhe is not now where pretended to be, they prove from what they call a Demonſtration in the ſtricteſt Senſe of the Word; which is this, that at preſent all Chriſtian Countries affirm ſhe lives there, and yet aſſert ſhe is there only; ſo that unleſs this good Woman can be every where, and not every where, at the ſame Time, 'tis doubtful if theſe are not all Sham-Mothers, as all but One certainly muſt be. In-

Indeed they don't ſeem to acknowledge it as their Opinion that the Fair Innocent who liv'd formerly, is now wholly dead; but rather, that ſhe being diſguſted with the Wickedneſs and Follies of her pretended Children, is retir'd into the Country, where free from the Pomps and Pageantry of the Great and Elevated, ſhe lives a quiet, harmleſs, Rural Life.

I am by no means inſenſible that there are divers other offenſive Opinions held, equally derogatory from the preſent glorious State of our Militant Mother; which for the preſent I omit, as exceeding my deſign'd Number of Paragraphs.

If you, Gentlemen, after having maturely weigh'd the Premiſes, ſhall find juſt Cauſe for the Complaints beforemention'd, I reſt aſſur'd that in your Zeal and great Wiſdom, You will not fail to enter upon ſome ſpeedy and effectual Method to vindicate the Being and Honour of this Excellent Gentlewoman by roundly aſſerting Your ſelves to be Her, and that no other Perſons whatſoever are, have, or can have, any Part or Share of her

I have chose to deliver my Representation of the Sentiments of these Persons, in many Words borrow'd from Your *Report*, because I do not hear any one of your Members has retracted his good Liking of it, and because Men are generally pleas'd with the Appearance of any thing of their own.

I will not detain you longer from the Book, which this accompanies, and hope you will not bear its Company the worse, tho' it should not so pleasingly make its Entrance as you could wish.

I am,

GENTLEMEN,

Yours, &c.

THE Church-Anatomy.

SECT. I.

Of the Liturgy and Ceremonies.

TO begin with the *Calendar*; we ſhall not inſiſt on the Rule to find out *Eaſter*, which hath been ſometimes found not to be true, becauſe that does more concern the Clergy to look after, than any of us: But as to ſome of the Leſſons appointed in it, they being deſign'd for our Edification, we hope we may have liberty to ſpeak. What a *ſmutty* Story is that in the 6th, 7th and 8th Chapters of *Tobit*, appointed for the Leſſons on the laſt Day of *September*, and the firſt of *Auguſt*, which is enough to make a Man laugh till he burſt, as certainly as the Lumps of Pitch, Fat, and Hair did the Dragon, (another precious Story, which not being appointed formerly by our Church, was, by the *new Reformers*, on King *Charles* the IId's Reſtoration, order'd to be read to us on the 23d of *November*.) The Buſineſs, in ſhort, is this, *Tobias* luckily catch'd a certain Fiſh, that greedily ſnap'd at him, roaſted it, and eat it; but by the Direction of the Angel, very carefully lays up the Heart, the Liver, and the Gall. Now an Ointment made out of this Gall was a notable Remedy againſt *Whiteneſs* in the Eyes: If it were as good againſt *Dimneſs* of the Sight

too, we could wiſh for the Sake of a great many, we knew what ſort of Fiſh this was: But a far greater Virtue lay in the Liver and the Heart, as *Tobias* afterwards found, when he came to the Houſe of *Raguel*; for this *Raguel* had a *bonny* Girl to his Daughter, call'd *Sarah*, on whom, it ſeems, a certain ſpiteful Devil had clapt a ſort of *Venetian* Padlock; ſo that, tho' ſeven young Fellows had ſucceſſively marry'd her, yet none of them had been able to *conſummate the Buſineſs*, but loſt their own Lives the firſt Night they made any Offers that way. *Tobias* was deeply ſmitten with her, and not diſcourag'd for all this, in ſhort, makes up the Bargain, and marries her: And juſt before he beds her, takes the aforeſaid Heart and Liver of the Fiſh, and burns them upon the Coals, which made ſuch a Perfume, that away ſcours the Devil into the utmoſt Parts of *Egypt*; and ſo *Tobias* and *Sarah* very comfortably enjoy each other. The Author of a Book, entituled *Vox Cleri*, had a peculiar Crotchet of own, of reading ſome Portions out of Εικὼν Βασιλικὴ in the Church, for the farther enlightning our Underſtanding: And why not the *Arcadian Prayer* in the ſame Book, for the farthering of our Devotions? To carry on the Humour, we humbly move that we may be inſtructed out of another Royal Paper, that the ſame Day, on which this Story out of *Tobit* is read to us, the other Leſſon, to make them both of a Piece, may be the *Depoſitions about the pretended Prince of* Wales.

The *Gloria* Patri* is ſome times ſaid; for Inſtance, on the firſt Day of the Month, five Times at the end of

* *The frequent Repetition of this, is one of thoſe Things which Archbiſhop* Uſher, *Biſhop* Williams, Prideaux, *and* Brownrig, *Dr.* Ward, Featly, *and* Hacket *took Notice of, and would have conſider'd whether it were fit to be amended. See the Copy of the Proceedings of theſe Divines,*

of the *Psalms*, read for the Morning-Service; again, at the end of the Lord's Prayer after the Absolution; again, at the end of the 95th *Psalm, O come let sing*, &c. again, at the end of the *Benedicite*; again, at the end of *Benedictus*; and again, in the Litany; that is ten Times in the ordinary Morning-Service.

The *Lord's Prayer* is said once at the end of the *Absolution*; again, after the *Apostles Creed*; again, in the *Litany*; and again, in the beginning of the *Communion-Service*; and again, in the second Part of the *Communion-Service*; and again, in the *Pulpit* bebefore Sermon: So that 'tis repeated five Times every Sunday Morning constantly, and six, if there be a Communion.

Not to speak of the *Kyrie E'leesons*, nor of all the Congregations, even *Women* too, saying after the Minister with a loud Voice, nor of their alternate readin the Verses in the *Psalms*, for which latter we don't find any Rubrick; all which seem to make such a confus'd Babling, that we can hardly reconcile it to the Apostle's Discourse in the first Epistle to the *Corinthians*, and 14th Chapter.

Good Lord deliver us is repeated eight Times in the *Litany*; and *We beseech thee to hear us, good Lord*, no less than two and twenty Times in the same. We can't but on this Occasion sometimes reflect on that wise Doctor at *Oxford*, who when he met with a little good Way, was wont, after he had travel'd over it, to turn about his Horse, and say, *'Tis so good, let's go this over again.* This hath a Semblance of those vain Repetitions forbidden by our Saviour; and when they reproach the *Dissenters* for their Tautologies in Prayer, they immediately flap us in the Mouth with this; and we profess sincerely, we are not able to reply upon them.

Divines, touching Innovations, &c. *and Considerations on the Common-Prayer-Book*, p. 7.

Moſt of the *Collects* have but *one* Petition in them. Were ſeveral of our ſhort Prayers well digeſted into one, we humbly conceive it would be like the uniting of the little Sparkles of Heaven into a Conſtellation, that renders them the more conſpicuous. And were the whole Service ſomewhat ſhortned, and ſo room left for free Prayer, and Encouragement given to it, we queſtion not but our learn'd Clergy would immediately exceed any of the Diſſenters in that way; and greatly edify us: For not to examine what hath been urg'd on both Sides, we will take the learned Dr. *Stillingfleet*'s Opinion for true, That this was an Invention of the Jeſuits: yet we know they are cunning Fellows; 'tis a very popular Thing; it takes wonderfully; *Fas eſt & ab hoſte doceri.*

We are of that Nobleman's * Mind, who ſaid, 'There may be too great a Reſtraint put on Men, 'whom God and Nature have diſtinguiſh'd from 'their Fellow-Labourers, by bleſſing them with a 'happier Talent; and by giving them not only 'good Senſe, but a powerful Utterance too, have 'enabled them to guſh out on the attentive Audi-'tory, with a mighty Stream of devout and un-'affected Eloquence: When a Man qualify'd, en-'du'd with Learning too, and above that, adorn'd 'with a good Life, breaks out into a warm and 'well-order'd Prayer before his Sermon, it hath 'the Appearance of a Divine Rapture, he raiſeth 'and leadeth the Hearts of the Aſſembly in another 'Manner, than the moſt compos'd, or beſt ſtudy'd 'Form of ſet Words can ever do; and the *Pray-'yees* would look like ſo many Statues, or Men of 'Straw, in the Pulpit, compar'd with thoſe who 'ſpeak with ſuch a powerful Zeal, that Men are

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* Character of a Trimmer, *by the Marqueſs of* Hallifax, *a Nobleman of our Church*, p. 20.

'tempted

'tempted at the Moment to believe Heaven her-'self hath directed their Words to them.'

Herein we confeſs we don't expect the Concurrence of thoſe that would have all the publick Miniſtrations to conſiſt in reading Liturgies and Homilies; and then, if God Almighty would but ſend a Man a good *pair of Eyes*, or in caſe he don't that, a *Feſcue, and a pair of Spectacles*, they might e'en keep the *Gifts of the Spirit* to themſelves, for any Need that Clergyman may have of them.

We could wiſh, for the ſake of the *Greek* Churches, that the ſevere Clauſes in the *Athanaſian Creed* were expung'd: For tho' we believe all the Articles of Faith contain'd in it, yet we think it no more becomes us to *damn* Folks in the Church, and at Divine Service, than in the Streets, and in common Diſcourſe.

We think it very odd, that *Te Deum*, *Benedicite*, the *Pſalms* in Proſe, and the three *Creeds*, ſhould be appointed to be *ſung* or *ſaid*. The *Leſſons* in the old *Common-Prayer-Book* were order'd to be *ſung in a plain Tune*. That is reform'd, and they are now appointed to be read *diſtinctly with an audible Voice*. And is there not the ſame Reaſon for the other two? Were this *Canting* Way laid aſide, we might then have the *Pſalms* in the *new* Tranſlation; for 'tis for the Sake of their being *appointed* to be *ſung* or *ſaid*; that tho' in ſome Places it be *corrupt*, and in others hath ſeveral Verſes that are not in the Original, but the *Septuagint* only, the *old* one is ſtill retain'd.

We have known ſome Men that have riſen from the Dunghil to a great Fortune, who have *hung up their Leathern Breeches* as a Monument of their former low Circumſtances; but not that they us'd to *ſanter* and *trudg* up and down in them as *Ornaments*, when they had a pair of freſh Silk ones lying by them to put on.

We could wiſh thoſe two *Rubricks* in the Common-Service were review'd; the firſt of which directs the Curate to *ſtand at the North Side* of the Table,

Table, when he ſaith the *Collect* and the *Lord's Prayer*; and the ſecond, immediately after directs him to *turn to the People, and rehearſe diſtinctly* all the Ten Commandments. We humbly conceive, did the Curate look the ſame way, when he reads the *Collect* and *Lord's Prayer*, as he doth when he reads the *Commandments*; or rather, were both of them read in the Desk, where the other Prayers are, eſpecially in great Churches, we might then be able to *hear* him, which now many times we can't, and conſequently are no more edify'd than by the Muſick of the Spheres. When the *Leſſons* are read, the Curate is order'd *ſo to ſtand and turn himſelf, as he may be beſt heard of all ſuch as are preſent.* The Reaſon is the ſame in both Caſes.

This we find reckon'd by thoſe great Lights of our Church, formerly mention'd, among the Innovations, the reading *ſome part of the Morning Prayer at the Holy Table, when there is no Communion.* Nor can we be ſatisfy'd with what is uſually ſaid in defence of this Practice, That *'tis to put the People in mind, that they ſhould celebrate the Communion every Sunday.* In the Name of God, what need is there of ſuch dumb Signs to inſtruct us in our Duty, which are ſo contrary to Edification, when we have ſo many excellent and learn'd Men, who can and ought to do it to much better purpoſe in their frequent, eloquent and pious Sermons out of the Pulpit? Muſt ſuch Motions, as well as Pictures, be Laymens Books?

For our Childrens ſake, we could wiſh that the Order of *Confirmation* were not made a Matter of mere Form and Ceremony; that it were carefully look'd to, not only that they be able to ſay the *Creed, Lord's Prayer*, and *Ten Commandments*, and to anſwer the Queſtions in the *Catechiſm*, but that they underſtand them too; to this End, that the *Rubrick*, which ſo rarely well enjoins the Curate diligently to catechiſe the younger ſort, and then either to bring them, or at leaſt *ſend in writing, with his Hand* ſub-

ſubſcribed thereunto, the Names of all ſuch Perſons in his Pariſh as he ſhall think fit to be preſented to the Biſhop to be confirm'd, may be reinforc'd and obſerv'd, that ſo thoſe that are notoriouſly ſcandalous, or groſly ignorant *what their Godfathers and Godmothers promis'd for them in Baptiſm, and which now with their own Mouth and Conſent, they are openly before the Church to ratify and conform*, may not be admitted to it.

'Tis certainly no Fault in our Conſtitution, but there is a great one in thoſe who do not act according to it, that admit many who have as little Underſtanding of the Baptiſmal-Covenant, when Hands are laid, as when Water was poured upon them: And we could wiſh ſome of our ſpiritual Fathers would ſhew us by what Warrant theſe Words were us'd in the *Collect* for that Service ---- *On whom, after the Example of thy Holy Apoſtles, we have now laid our Hands [to certify them by the Sign of thy Favour, and gracious Goodneſs towards them.]* And that they may be diligently compar'd with our Church's Definition of a *Sacrament*.

We could wiſh thoſe Paſſages in the Burial of the Dead were review'd, *viz. Foraſmuch as it hath pleaſed Almighty God to take to himſelf the Soul of our dear Brother here departed*, &c. We give thee hearty Thanks, *for that it hath pleas'd thee to deliver this our Brother out of the Miſeries of this ſinful World.* ---- That we may reſt in him, *(viz.* Chriſt*) as our Hope is this our Brother doth.* We do not enquire how the Clergy can read this over all dead Men that are not either excommunicated, unbaptiz'd, or have not laid violent Hands on themſelves; tho' we could wiſh Men, that are ſo charitable to the Dead, would be ſo to the Living too: But we too often accompany the Corpſe of a drunken debauch'd Neighbour, who liv'd all his Days in the habitual Practice of many deadly Sins, and gave no Signs of Repentance that we could ever hear of; it may be the fatal Arrow ſtruck through him while he was in the very Act of ſo foul a Sin. The Grave cannot

not ſtrike a colder Damp on our Bodies, than the Thoughts of this do on our Devotions; and we can no more ſay *Amen* on ſuch Occaſions, than the dead Man himſelf, on whoſe Funeral we attend. 'Tis true indeed we are told, that theſe Words do ſuppoſe the ſtrict exerciſe of Diſcipline: But as long as we ſee no ſuch Thing, 'tis an Hypotheſis that gives us no Relief at all.

And ſeeing we are fallen on the *Diſcipline* of the Church, we do moſt humbly and earneſtly beſeech our ſpiritual Fathers, and Guides, that they would at laſt try their utmoſt for the ſetting of it up, that we may not be told from Year to Year, as we are in our *Aſh-Wedneſday*-Service, that there *was* anciently in the Church a godly Diſcipline of putting notorious Sinners to open Penance, which we only *wiſh* were reſtor'd, but confeſs it is not. And we think that which our Church hath ſet up in the room of it, deſerves a little Conſideration, *viz.* The reading the general Sentences of God's curſing againſt impenitent Sinners out of *Deut.* 27. and other Places of Scripture, to which we are all requir'd to anſwer, and ſay, *Amen.*

Now, ſuppoſe any Man hath a near Relation that is Unmerciful, a Fornicator, an Adulterer, a covetous Perſon, an Idolater, Slanderer, Drunkard, for the Curſe is pronounc'd againſt all theſe: Or ſuppoſe our King ſhould be guilty of any of theſe Crimes, as ſome of them were within the Memory of Man; we ſhould be loath to ſay *Amen*, or *ſo be it*, to ſuch a Curſe. We have often heard the Men of the *Scots Kirk* reproach'd ſeverely for the excommunicating of Kings. A *David* may take another Man's Ewe-Lamb; and it would be well if a *Nathan* would bring him to a Senſe of that horrible Sin by a Parable, and by a particular Application of a *Thou art the Man*. But for every one of us of the Laity to pronounce an *Amen*, to a ſolemn Curſe denounc'd againſt all ſuch Offenders, and them among the reſt, tho' in the ſelf-ſame Service, we Stile them *our moſt*

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Religious and Gracious ones, and that in the Church too, don't look like the Reverence we have been taught to bear towards *crown'd Heads*. True indeed the *Iſraelites* did once pronounce ſeveral of theſe Curſes, on Mount *Ebal*, with an *Amen*; but this was by virtue of an expreſs Command from God; and this might be ſuitable enough to a *legal Spirit*, to the rough and ſour Diſpenſation of the Law, but not to the calm, kind and peaceable *Inſtitution of the Goſpel*, which is ſoft and gentle, as the Wings of that Dove that lighted on the Head of him who was the Author of it.

Having conſider'd the *Liturgy*, we proceed to take Notice of thoſe *Rites and Ceremonies* of our Worſhip, which are in their own Nature indifferent and alterable. And this being confeſs'd on all Hands, we are all of us of the Mind, that there are many unanſwerable Reaſons for their utter Removal, and their being totally laid aſide; ſuch as are the Dangers and Hazards to which they have already expos'd our Church, the fatal Diviſions, the unnatural and implacable Animoſities they have occaſion'd, and continue to foment; the Obligations that we lye under from the Commands and Examples of Chriſt and his Apoſtles, to yield in Things of ſo ſmall moment to the invincible Scruples, and the earneſt Importunities of our weaker Brethren, as well as many others that have been alledg'd and enforc'd by many learn'd Pens. We cannot tell how to excuſe the Conduct of thoſe Perſons, who, notwithſtanding all the Reſpect they owe to a gracious Prince, their Duties to God and their ſcrupulous Fellow-Chriſtians, will evidently lay open both the Church and State to an unavoidable Ruin, rather than depart from the Impoſition and Uſe of ſuch Rites, no more than we could have juſtify'd Sr. *John the Baptiſt*, if he had fallen a Sacrifice to the Fury of *Herod*, merely becauſe he would not adminiſter Baptiſm without his *Raiment of Camels Hair*, and his *Leathern Girdle*. We cannot blame the Piety and Wiſdom of our firſt Reformers,

who introduc'd and continu'd theſe, to avoid throwing the Nation, that was then over-run with Superſtition, into great and deadly Convulſions; but theſe Reaſons are now ceas'd, and very diſmal Inconveniencies do attend their preſent Uſe: We do think it better to throw them by than retain them.

It was neceſſary, that when our Church firſt roſe out of the Superſtition, Darkneſs, and Idolatry, in which ſhe had been ſo long bury'd, ſhe ſhould like *Lazarus* have ſome of the Grave-Cloaths about her; but if, out of ſome odd Humour, ſhe ſhould reſolve ſtill to wear them, ſhe would appear not only unlovely, but ridiculous. But leſt we ſhould ſeem to puſh this Matter too far, we ſhall only ſay, That it is highly requiſite that the Uſe of them ſhould be left indifferent; that a ſtrict Uniformity in theſe Rites is no longer neceſſary, provided there be an Agreement in all the Eſſentials of her Doctrine and Worſhip. And there are many Grounds that move us to inſiſt on this; *viz.* That they are but trivial Things, and of no Moment; that they neither add any real Decency and Beauty to our Worſhip, nor render it more acceptable and pleaſing to God; beſides, there are many Perſons in our Communion, who are weary of them; and many others who frequent our Churches, that do either deſpiſe or ſmile at our rigorous inſiſting upon them; for the Number of thoſe addicted to them, is not very great, and the greateſt Part of the Nation are ſuch as are not over zealous, and fond of them, but might by the Method we offer, be more firmly fix'd to us. There is a Body of Men, who are ſtill among us, and attend in our Churches, and at our Sacraments, who do think our preſent Conteſts about theſe Matters, to be much like that, which we about *London* ſaw manag'd between the Ladies and the *Mobile* about Topknots; the Rabble deſign'd to force them to lay them aſide by Ballads, Pictures, and inſolent Jeers; but that Sex, which uſes to con-

conquer by their Charms, got the Victory then by Obſtinacy and Reſolution, and the poor Topknots out-liv'd their Fury. While we ſaw no Prejudices ariſe to the Nation, this afforded us a pleaſant Diverſion; but had the Diſpute run ſo high as to endanger an univerſal Mutiny and Inſurrection, we ſhould have commended that Sex, if they had prudently thrown them off, and quitted the Field.

We do therefore judge, that ſuch Things as theſe ſhould no longer be impos'd as Terms of our Communion, and ſuch as will not ſubmit to them, may be eſteem'd as genuine Sons of our Church, as thoſe that do; that this is a Seaſon wherein theſe latter ſhould be allow'd as free an Acceſs to our Altars and Fonts as the other, and that it is a Condeſcenſion which we owe not only to our Bleſſed Saviour, and thoſe weak Diſciples which he hath ſo tender a Concern for; but to the Safety and Honour of our Church, as well as her preſent Conſtitution.

SECT. II.

Of the Canons.

WE ſhall confine theſe Remarks to a few of them. The firſt Canon enjoins the Maintaining the *King's Supremacy* over the Church of *England* in Cauſes Eccleſiaſtical. And as the Canon declares all Foreign Power (*foraſmuch as the ſame has no Eſtabliſhment by the Law of God*) to be juſtly taken away and aboliſh'd; ſo that Doctrine ſhould in all Reaſon be diſown'd and cenſur'd, which ſo many Divines of our Church have endeavour'd to defend and propagate in their publick Writings, *viz.* 'That 'the Church-Univerſal ought to be govern'd by the 'Decrees of General Councils; and during the In-

'terval of ſuch Councils, the only Way of Concord 'is to obey the governing Part of the Univerſal 'Church, *viz.* All the Biſhops in one Regent Col-'lege, governing the whole Chriſtian World, *per 'literas formatas.*' Eſpecially when, on pretence of the eaſier Execution of theſe Univerſal Laws, ſome of 'em have been ſo liberal to his Holineſs, as to aſſign that Province to him of Patriarch of the Weſt, and the Centre of Unity to this Part of the Catholick Church. And how much all the Fierceneſs of Archbiſhops *Laud* and *Bramhall*, Dr. *Heylen*, Biſhops *Morley*, *Gunning* and *Sparrow*, Dr. *Saywell*, Mr. *Dodwell*, &c. againſt all Diſſenters at Home, and their ſtrange Chilneſs to the Reformed Churches Abroad, is owing to a miſerable Fondneſs for this Notion, as the hopeful Ground of a Reconciliation between the Church of *England* and the *French* Church, that has caſt off the Papal Infallibility, it were no difficult Task to ſhew, and were worthy the Obſervation of any Hiſtorian that would give a true Account of the Continuance and Increaſe of our deplorable Diviſions. And as we diſlike this Notion, the more when we conſider the Purpoſes and Deſigns for which 'tis calculated, ſo we have this Argument to urge why it ſhould be diſown'd, *viz.* Becauſe it plainly ſets up a Foreign Juriſdiction, againſt which the Nation is ſolemnly ſworn.

The ſecond Canon excommunicates, *ipſo facto*, all Impugners of the King's Supremacy.

Againſt which, we think there is nothing can be objected, but the Fault common to it with the Ten following Canons, *viz.* Excommunicating, *ipſo facto*, ------ of which more under theſe following Canons.

Can. 3. 'Whoſoever ſhall hereafter affirm, that 'the Church of *England*, by Law eſtabliſh'd, under 'the King's Majeſty, is not a true and Apoſtolical 'Church, teaching and maintaining the Doctrine 'of the Apoſtles; let him be excommunicated, *ipſo 'facto*, and not reſtor'd but only by the Archbiſhop, 'after

'after his Repentance, and publick Revocation of 'such his wicked Error.

Can. 4. 'Whosoever shall hereafter affirm, that 'the Form of God's Worship in the Church of '*England*, established by Law, and contain'd in the 'Book of Common-Prayer and Administration of 'Sacraments, is a corrupt, superstitious, or unlawful 'Worship of God, or contains any thing in it re-'pugnant to the Scriptures; let him be excommu-'nicated, *ipso facto*.

Can. 5. 'Whosoever shall hereafter affirm, that 'any of the XXXIX Articles, agreed upon by the 'Archbishops and Bishops of both Provinces, and 'the whole Clergy in the Convocation holden at '*London* 1562, *&c.* are in any part Superstitious or 'Erroneous, or such as he may not with a good 'Conscience subscribe unto; let him be excommu-'nicated, *ipso facto*.

Can. 6. 'Whosoever shall hereafter affirm, that 'the Rites and Ceremonies of the Church of *Eng-'land*, by Law establish'd, are Wicked, Antichristi-'an, or Superstitious; or such as being command-'ed by lawful Authority, Men who are zealously 'or godly affected, may not with a good Consci-'ence approve 'em, use 'em, or, as occasion requires, 'subscribe to 'em; let him be excommunicated, *ipso* 'facto.

Can. 7. 'Whosoever shall hereafter affirm, that 'the Government of the Church of *England*, under 'his Majesty, by Archbishops, Bishops, Deans, Arch-'deacons, and the rest that bear Office in the same, 'is Antichristian, or repugnant to the Word of God; 'let him be excommunicated, *&c.*

Can. 8. 'Whosoever shall hereafter affirm, or 'teach, that the Form or Manner of making and 'Consecrating Bishops, Priests, and Deacons, con-'tains any thing in it repugnant to the Word of 'God, or that they who are made Bishops, *&c.* let 'him excommunicated, *ipso facto*.

Can. 9. 'Whoſoever ſhall hereafter ſeparate themſelves from the Communion of Saints, as 'tis approv'd by the Apoſtles Rules in the Church of *England*, and combine themſelves together in a new Brotherhood, let him be excommunicated, *ipſo facto.*

Can. 10. 'Whoſoever ſhall hereafter affirm, that 'ſuch Miniſters as refuſe to ſubſcribe to the 'Form and Manner of God's Worſhip in the 'Church of *England*, preſcrib'd in the Communion-'Book, may truly take to them the Name of ano-'ther Church, not eſtabliſh'd by Law, and does 'preſume to publiſh it, that this their pretended 'Church has of long time groan'd under the Burden 'of certain Grievances impos'd on it, and upon the 'Members thereof before mention'd, by the Church 'of *England*, and the Orders and Conſtitutions there-'in, by Law eſtabliſh'd; let him be excommunicated, *ipſo facto.*

Can. 11. 'Whoſoever hereafter ſhall affirm, or 'maintain, that there are within this Realm other 'Meetings, Aſſemblies, or Congregations of the 'King's born Subjects, than ſuch as by the Laws 'of this Land are held and allow'd, which may 'rightly challenge to themſelves the Name of true 'and lawful Churches; let him be excommunicated, *&c.*

Can. 12. 'Whoſoever ſhall hereafter affim, that 'tis lawful for any ſort of Miniſters or Lay-Perſons, 'or either of them, to join together, and make 'Rules, Orders, or Conſtitutions in Cauſes Eccleſiaſtical, without the King's Authority, and ſhall 'ſubmit themſelves to be rul'd and govern'd by 'them; let him be excommunicated, *ipſo facto.*

To theſe may be added,

Can. 139. 'Whoſoever ſhall hereafter affirm, that 'the ſacred Synod of this Nation, in the Name 'of Chriſt, and by the King's Authority aſſembled, 'is not the true Church of *England* by Repreſentation; let him be excommunicated, *&c.*

Can. 140.

Can. 140. 'Whoſoever ſhall hereafter affirm, that 'no Manner of Perſons, either of the Clergy or Lai-'ty, not being themſelves particularly aſſembled in 'the ſaid ſacred Synod, are to be Subject to the 'Decrees thereof, in Cauſes Eccleſiaſtical (made and 'ratify'd by the King's Majeſt'ys Supreme Autho-'rity) as not having given their Voices to them; 'let him be excommunicated, *&c:*

Can. 141. 'Whoſoever ſhall hereafter affirm, 'that the ſacred Synod aſſembled, as aforeſaid, was 'a Company of ſuch Perſons as did conſpire toge-'ther againſt Godly and Religious Profeſſors of the 'Goſpel, and that therefore both they, and their Pro-'ceedings, in making of Canons and Conſtitutions in 'in Cauſes Eccleſiaſtical, by the King's Authority, as 'aforeſaid, ought to be deſpiſed and contemned, the 'ſame being ratify'd by the ſame Regal Power; let 'him be excommunicated, *&c.*

We have often heard our Clergy mention, among many other Excellencies of our Church, its admirable Charity towards thoſe that differ from it; and we have hitherto taken it for one of its juſt Characters. For tho' thoſe that diſſent from us, would frequently object the Severity of the Penal Laws, and the Rigor with which they have ſometimes been executed, as if ſuch heavy Fines, and long Impriſonments, look'd but like a cold and frozen ſort of Charity; yet we thought it a ſufficient Anſwer, that our Church did not countenance any of theſe Severities by its Doctrine. And therefore, how active ſoever ſome of our fiery Zealots (who were the Tools of another Party) might be in urging the Execution of them, this was their perſonal Fault, and not juſtly imputable to the Church it ſelf. Tho' by the way, we cannot think it ſo ingenuous in ſome of our Clergy, to throw all the Blame of thoſe ſevere Laws on the Parliament that enacted them, which many of themſelves were but too earneſt and importunate Sollicitors of. But we are extremely ſurprized to read the foregoing Canons: and when we hear them ob-

objected as an Evidence of the Uncharitableneſs of our Doctrine it ſelf, we are at a great loſs what to ſay in Defence of it: For we plainly perceive by them, that the Practice of our moſt violent Bigots in the Execution of Penal Laws has been as much more Charitable than theſe Canons of our Church, as 'tis more merciful to ſend the Bodies of Men into the Cuſtody of the Jaylor, than to conſign their Souls into the Paws of the Devil. Nay 'tis well that Writs *de Excom. cap.* have not been iſſued out againſt all whom theſe Canons excommunicate; for if they had, the whole Race of Diſſenters had long ſince been both the Jaylor's and the Devil's Priſoners; and we are very much afraid, a great part of our own Clergy and Laity muſt have born them Company. So that we can foreſee no better Apology for the Convocation that fram'd theſe Canons, than this, that they ſeem only to have deſign'd them for the old ruſty Armor of our Church, to be hung up for Terror, rather than to be us'd for Execution. For it cannot be deny'd, that how little Charity ſoever thoſe had that made them, our Biſhops have generally ſince had more Chriſtian Tenderneſs, than to proſecute all in their Courts, whom theſe Canons make ſo heinous Criminals. And therefore, were we of the Laity worthy to offer our humble Advice to a Convocation, we ſhould recommend it to them, as a piece of neceſſary Prudence, as well as Charity, to caſhier theſe ill-natur'd Canons: For they do but frighten the weak Diſſenters the more from our Communion, and are a ſtanding Reproach to our Church it ſelf on theſe two Accounts.

1. Were the Aſſertions here cenſur'd never ſo dangerous Hereſies, an *ipſo facto* Excommunication is an unreaſonable thing.

'Tis no better than paſſing Sentence on an Offender, before any Attempts are us'd to reclaim him; which is a groſs Abſurdity in Eccleſiaſtical Cauſes, where 'tis not the bare Offence ſubjects Men to that

that Cenſure of the Church, but Obſtinacy in it. For theſe Canons, quite contrary to our Saviour and his Apoſtles Rule, make a Heathen and a *Publican* of our Brother before he is ever told of his Fault, they reject him before he be admoniſh'd. Whereas Divine Juſtice it ſelf does not ſubject Men to the Sentence of Condemnation, merely for their Sins themſelves, but for their Impenitency in them. And ſure the Church ſhould not uſe greater Severity, and therefore ſhould not in theſe Cenſures (which *Tertullian* call *ſummum futuri judicii præjudicium*) exclude Men from her Communion *ipſo facto*, upon their having run into Errors or Crimes, but upon their perſiſting incorrigibly in them. And what *Lindwood* obſerves concerning ſuch Canons as thoſe does not wholly excuſe them, namely, *That a declatory Sentence of the Judge is neceſſary, notwithſtanding* the *ipſo facto* Excommunication, to a Man's being *avoided as an excommunicated Perſon to others.* For all that this can amount to, is no more than to ſay, that tho' a Man's *Mittimus* to the Devil is drawn up by theſe Canons, yet his Neighbours are not to take Notice of it till it be publiſh'd: But for all that, the Man is truly excommunicated; and that without any other precedent Admonition, than what the Canons themſelves give him, which few of us ever read or ſee; no Perſonal Admonition being us'd to prevent his Excommunication, but only to reſtore him by Abſolution. And if theſe Canons be juſt, all whom they Excommunicate are bound in Conſcience to forbear the Church's Communion; and therefore we cannot, in Conſiſtency with our ſelves, invite the Diſſenters to it, unleſs we could either change their Minds, or at leaſt put Gags into their Mouths. But were this all the Fault of theſe Canons, the Matter were more tolerable. But,

2. The Aſſertions themſelves mentioned in the Canons can by no Means deſerve ſo heavy a Cenſure.

For as Excommunication is the higheſt Cenſure of the Church (which according to the Form us'd in our own excludes the Perſon excommunicated from all Chriſtian Society, and cuts him off as a dead Member from the Body of Chriſt) ſo it ſhould never be us'd againſt any but thoſe who are guilty of ſuch pernicious Errors, or heinous Crimes, as give all imaginable Ground to believe them in a State of Damnation: ſuch as thoſe mention'd 1 *Cor.* 6. 9, 10. *Gal.* 5. 19, 20. 2 *Tim.* 3. 2, 3, &c. For otherwiſe we might ſhut thoſe out of our Communion, whom our bleſſed Saviour receives into his; and dangerouſly cut off the living inſtead of the dead Members of his Myſtical Body. Beſides, nothing will ſooner bring that ſacred part of the Church's Diſcipline into Contempt, than the uſing it on ſlight and frivolous Occaſions; as we ſhall farther ſhew afterwards, when we come to ſpeak of Eccleſiaſtical Courts. 'Twas a grave and wiſe Caution of the Council of *Trent*, tho' they had not the Grace to follow it themſelves, That tho' the Sword of Excommunication be the very Sinews of Eccleſiaſtical Diſcipline, and very wholeſome to keep the People in Obedience, yet it ſhould be warily us'd, leſt if it be drawn out raſhly on every ſlight Cauſe, the People ſhould rather deſpiſe than dread it. For if Clergymen will ſo far trifle with thoſe Solemn Cenſures as to thunder out Excommunications againſt all that keep *Eaſter* the *wrong Day*, or maintain *Antipodes*, or wear *Beards of a wrong Cut*, &c. as ſome wiſe and learned Popes have formerly done; 'tis no wonder if Men come to look upon them as Eccleſiaſtical Scare-crows; and provided they can ſcape the Jaylor, ſet the Biſhops at Defiance. And tho' the Aſſertions cenſur'd in theſe Canons be not altogether ſuch Trifles, yet they are ſome of them Things too dubious to Men of mean Capacities, that have a fatal Biaſs of an unhappy Education clap'd on their Underſtandings; and of too ſmall Conſequence to bear the Weight of ſo heavy a Doom. For what tho' the Diſſenter ſhould

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arraign the Office of Burial read over the Graves of all the notorious Villains that have the good Fortune to escape, or buy off an Excommunication; or censure the Use of our Godfathers as exclusive of the Parents Publick Undertaking for the religious Education of his own Child? What tho' they foolishly mistake the Sign of the Cross for a new Sacrament? What tho' they dispute against the Passage in the Book of Ordination, that asserts the Divine Right of three distinct Offices, Bishops, Priests, and Deacons? What tho' they be more peevish and untoward, and censure the very Office of our Bishops, as they are by the Alterations in the Book of Ordination, made the sole Pastors of all the Churches in several Dioceses? Nay, what tho' they affirm their own Congregations to be *true and lawful Churches?* Shall we on the score of their declaring their mistaken Opinion in any one of these disputable Matters, treat them as if they had deny'd all the Articles of the Apostles *Creed*, or broken all the *Ten Commandments*? Nor are the Dissenters the only Persons concern'd in these Canons. There are few of our *Latitudinarian* Clergy (as some are pleas'd to call all that have not as narrow Souls as their own) but will freely in their Discourses censure some things in the Government of our Church, particularly the Lay-Chancellor's Power of decreeing Excommunications. And all these must expect no Quarter from the *7th* Canon. So that these Canons will quickly retrench the *Corpulency* of our Church, and reduce it to the small Number of *Bigots*, who it seems are not so ridiculous as they seem'd to be, in monopolizing the Character of her *true Sons* to themselves. And yet even of the Bigots, there are so many that frequently arraign some of our Articles in the Pulpit it self (particularly the *17th* about the Doctrine of Election,) that we see not how they will escape the *5th* Canon. And if we were not afraid of being sent to the Devil for Company, by virtue of 139. *Can.* we would make bold to Question the *Convocation's being the*

Church of England *by Repreſentation.* 'Tis ſtrange how they ſhould repreſent us of the Laity, who never choſe or deputed them. 'Tis much ſtranger how they ſhould repreſent the King and and Parliament (who I hope are a very excellent Part of our Church) for if they do, we ſee not what Occaſion there can be to interpoſe their Authority a new to give force to their Canons. They can at moſt, only repreſent the Clergy of our Church, and are indeed no more than the King's and Parliaments Eccleſiaſtical Council, to adviſe 'em what Laws relating to the Church they ſhall enact by their Authority *circa ſacra*. For all their Canons would never bind our Conſciences as the Laws of the Church, if the Civil Authority made them not the Laws of the Land. To ſum up this Head; why ſhould we think our Convocation ſo Infallible, and the Conſtitutions of our Church ſo abſolutely Perfect, that a Man cannot find the leaſt Fault with any of them, under a leſs Penalty than being cut off as a dead Member from the Body of Chriſt? This is as inexcuſable a Rigor, as if our Parliament ſhould make it no leſs than Baniſhment for any Subject to diſpute the Equity of the leaſt Clauſe in the whole Book of Statutes, ſo that if the Convocation think fit to keep up theſe Canons ſtill, it were very great Charity to clap Padlocks on the Tongues of the People, to prevent their running into the Devil's Clutches, by prating too freely againſt the Orders of our Church. And perhaps it was the ſagacious Foreſight of ſuch Complaints as theſe, made that wiſe Convocation, by way of Prevention, Excommunicate among the reſt, all that ſhould affirm 'em to be *a Company of Men that conſpired againſt godly and religious Profeſſors of the Goſpel*; or aſſert, That their Canons ſhould be *deſpiſed or rejected*: Only they were careful to twiſt in the King's Authority with their own, that he who ſlighted the *Convocation* might be thought to trample on the *Crown*.

SECT.

SECT. III.

Of Corruptions in the Eccleſiaſtical Courts.

AND here we do moſt humbly deſire that the Reverend Guides of our Church will patiently hear us, and eſpecially thoſe of that *Venerable and truly Apoſtolical Order*: And if any Expreſſions ſhould drop from us, that may ſeem inconſiſtent with that filial Duty we owe to 'em, we deſire it may be imputed to our great Zeal for 'em; and we ſhall as ſubmiſſively fall on our Knees to beg their Pardon, as we would do on any other Occaſion to implore their Bleſſing. *Many of the old Corruptions* (ſaid a late Reverend Father * in God) *do yet remain among us in Practice, and the Adminiſtration of the Eccleſiaſtical Authority is liable to great Objections. I will not run out in farther Particulars, for it will be eaſy to find 'em; and if you once ſet about it, you will ſoon ſee what Work is before you.*

We ſhall confine our Diſcourſe chiefly to the high and dreadful Sentence of *Excommunication*, for ſo it is in ſelf, and was always ſo eſteem'd by devout Souls, till the great and ſcandalous Abuſes and Corruptions of it in theſe latter Days have made it ſo contemptible, that Sinners do no more value it than Men do the threatning Predictions of a common Almanack-maker concerning Thunder and Lightning. We have many Things to offer, under theſe following Heads.

1. The Perſons that manage it.
2. The Cauſes for which it is inflicted.
3. The manner of Proceeding in our Eccleſiaſtical Courts.

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* *Dr.* Burnet's *Thanksgiving Sermon before the Houſe of Commons*, Jan. 31, 1689.

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4. The Things that enſue on the Sentence of Excommunication.

1. The Perſons that manage it. And into whoſe Hands would a Man rationally expect the Keys ſhould be put, but theirs to whom Chriſt and his Apoſtles have given them, and where the Primitive Church left them? Who ſhould judge ſpiritual Matters, but ſpiritual Men? Who ſhould correct the Children, but their Fathers, and diſcipline Souls, but they that have the Care of them, and watch over them, as thoſe that muſt give an Account? They that ſo juſtly claim the Power of Ordination, why ſhould they not have that of Excommunication, and *deliver up to Satan*, as well as *give the Holy Ghoſt*? What is it that can reaſonably be ſuppos'd to hinder our Reverend Biſhops from minding ſo great and neceſſary a Part of their Office? Is it their great Diligence in Preaching? 'Tis true, this our Church doth ſtrictly tye them unto. The (*a*) Epiſtle, or that (*b*) which is appointed for it, and the (*c*) Goſpel read at their Conſecration, puts them in Mind of it: Nay, they formally promote it; for theſe are two of the Queſtions propounded to them by the Archbiſhop----- (*d*) *Are you determin'd, out of the Holy Scriptures, to inſtruct the People committed to your Charge?* -----*Will you then faithfully exerciſe your ſelf in the ſame Holy Scriptures, and call upon God by Prayer for the true Underſtanding of the ſame, ſo as you may be able by them to teach and exhort by whole-*

(*a*) 1 Tim. 3. *Apt to Teach.* (*b*) Acts 20. 17.---- *Have Taught you publickly, and from Houſe to Houſe; take heed therefore to your ſelves, and to all the Flock over which the Holy Ghoſt hath made you Overſeers, to feed the Church of God*, &c. (*c*) *St.* John 21. *Jeſus ſaith to* Peter, *Loveſt thou me more than theſe?*---- *Feed my Lambs*, ----- *Feed my Sheep*, &c. Matt. 28. 18. *Go and Teach all Nations*, &c. (*d*) *See the Form of the Conſecration of Biſhops.*

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ſome Doctrine, and to withſtand and convince the Gainſayers? To which the Biſhop anſwers, (*e*) *I am ſo determin'd by God's Grace:* and, *I will do ſo by the Help of God.* And the Practice of ſome of our Reverend Fathers does convincingly ſhew they are no *Strangers to God's Grace or Help,* in this particular. But will Diligence in one Duty excuſe the Neglect of another? Doth not our Church pray Almighty God to (*f*) *give to all Biſhops, the Paſtors* of his Church, that they may *duly adminiſter godly Diſcipline,* as well as *diligently preach the Word?* And, that they may faithfully ſerve Almighty God in this Office, to the Glory of his Name, and (*g*) *the edifying and well-governing* of his Church? And farther, That they may be not only *evermore ready to ſpread abroad the Goſpel,* but alſo (*h*) *uſe the Authority given them, not to Deſtruction, but to Salvation?*

And doth not the Biſhop ſolemnly promiſe to *correct and puniſh, according to ſuch Authority as he hath by God's Word,* as well as to ſuch as ſhall be *committed to him by the Ordinance of this Realm?* And the Archbiſhop charges him, when he delivers him the Bible, not only to take *heed to Doctrine,* but how he *miniſters Diſcipline too.*

We can't think, after all this, that they do voluntarily neglect ſo eſſential a Branch of their Epiſcopal Office, as governing the Church. Ruling and Diſcipline is their Duty, *according to God's Word*; and if any *Ordinance of this Realm* hinder them from the

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(*e*) *See to the ſame Purpoſe, the Collect immediately following* Veni Creator Spiritus; *and the Charge of the Archbiſhop to the Biſhop, when he delivers him the Bible; and the firſt of the three laſt Prayers ſaid for the Collect immediately before the Benediction.* (*f*) *See the firſt Collect in the Conſecration of Biſhops.* (*g*) *See the Collect in the Conſecration ſaid next after the Litany.* (*h*) *See the Collect after* Veni Creator.

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Diſcharge of a Duty *God's Word* hath laid on them, we think, if they ſhould patiently bear it, they would give but a ſad Account in that Day, when the *Great Biſhop* ſhall appear, when *Pulton's* or *Keeble's* Statutes are none of thoſe *Books that ſhall then be open'd.*

We are ſure, that this Work is a Thing of the higheſt Truſt and Authority, and wherein the greateſt Skill and Tenderneſs is requiſite; and therefore we think it ſhould be *perſonally* diſcharg'd, and can't lawfully be deputed to another. For, as the Lord *Bacon* * hath obſerv'd 'We ſee in all Laws in the 'World, Offices of Confidence and Skill cannot be 'be put over, or exercis'd by Deputy, except it be 'eſpecially contain'd in the original Grant; never 'did any Chancellor of *England*, or Judge in any 'Court, make a Deputy----- ſurely *ab initio non fuit ita*; but 'tis probable that Biſhops, when they gave 'themſelves too much to the Glory of the World, 'and became Grandees in Kingdoms, and great 'Counſellors to Princes, then did they deleague 'their proper Juriſdiction, as Things of too inferior 'a Nature for their Greatneſs; and then, after the 'Similitude and Imitation of Kings and Counts 'Palatine, they would have their Chancellors and 'Judges.

'Tis, ſaith Biſhop *Bedel* † in his *Defence*, one of 'the moſt eſſential Parts of a Biſhop's Duty, to go-'vern his Flock, and to inflict the Spiritual Cen-'ſures on obſtinate Offenders. A Biſhop can no 'more delegate this Power to a Layman, than he 'can delegate a Power to Baptize or Ordain, ſince 'Excommunication and other Cenſures are a ſuſ-'pending the Rights of Baptiſm and Orders; and 'therefore the judging of theſe Things can belong

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* *Conſiderations for the better Eſtabliſhment of the Church of* England, *p.* 10.

† *His Life*, p. 92.

'only

'only to him that had the Power to give them; 'and the delegating that Power is a Thing null of 'it ſelf. It was ever look'd on as a neceſſary Part 'of the Biſhop's Duty, to examine and cenſure the 'Scandals of his Clergy, and Laity, in ancient and 'modern Times.' And much more may be found to the ſame Purpoſe in his Life.

But if this ſacred Work muſt be put off to others, were it committed to the Hands of any of our Clergy, tho' never ſo mean, we could bear it, out of that profound Reverence we have for their Gown and Character, as we doff our Hats in a mean Country- Church, that looks little better than a Pigeon-Houſe, as well as in a Cathedral, for the Sake of that God to whom the one is conſecrated as well as the other. But we have hardly any Patience left us, when we conſider, that the Clergy, both Superior and Inferior, ſtand for Cyphers, and the whole Power of Excommunication is lodg'd in Laymens Hands; for ſuch are Chancellors, Officials, Commiſſaries, *&c.* 'Tis a greater piece of *Sacrilege* for theſe Thieves to ſteal and run away with the *Keys* of the Church, than for any to carry off the *Communion Plate*, godly Diſcipline being a much richer Treaſure than a golden Chalice. We have juſtly derided the *Presbyterians*, for their compound Aſſemblies, where the Miniſter and the Lay-Elder ſit cheek by joul, intermingled, like a Man and a Woman at a *Dutch* Feaſt: But that *Hotch-potch Miſcellany* is more tolerable than this Conſtitution of ours, whereby the whole Clergy being excluded, the Lay-Chancellor alone ſits to remit Sins, or retain them; Men that we are ſure have no Commiſſion from the bleſſed Jeſus, or his holy Apoſtles, and have no Power to deliver up any Souls to Satan, unleſs it be their own. 'Tis true indeed, they have a Patent for it, and that ſometimes given to gratify a Friend, ſometimes perhaps purchas'd with a round Sum of Money, whereby the preſent Biſhops paſs away this their Power from themſelves and their Succeſſors

too; and ſo they are render'd incapable of correcting their Extravagances and Corruptions, even tho' they are committed in their Names, and by Virtue of an Authority deriv'd from them: Whereupon our Reverend Fathers bear the Blame, and theſe Varlets reap the Advantage of their unjuſt Proceedings. Nay, to that degree of Inſolence do they proceed, as ſometimes to hector them if they offer but to interpoſe, to ſtop, or to rectify any of their illegal and oppreſſive Acts. Of this we have an Inſtance given us by the Author of the *Naked Truth*; I don't mean the bluſtring *Hickeringill*, but, as is commonly believ'd, a grave and excellent Prelate of our Church. 'I remember (ſaith he) when the Biſhop of *Wells* hearing of a Cauſe corruptly manag'd, and coming into the Court to rectify it, the Chancellor, Dr. *Duke*, fairly and mannerly bid him be gone, for he had no Power there to act any thing; and therewithal pulls out his Patent, ſeal'd by the Biſhop's Predeceſſor, which, like *Perſeus*'s Shield with the *Gorgon*'s Head, frighted the poor Biſhop out of the Court.'

Another remarkable Story of this Nature we have in the Life of Biſhop *Bedel*: He ſaw, and his Soul was griev'd at the barefac'd Extortions, and Briberies, and Commutations of Penance, and vexatious Suits, *&c.* in the Chancellor, that had bought his Place from his Predeceſſor, and the Proſtitution of Excommunications in a ſordid and baſe Manner. To correct theſe Abuſes he goes, and with a competent Number of his Clergy, ſits and hears Cauſes, and gives Sentence. But his Lay-Chancellor brought a Suit againſt him in *Chancery* for invading his Office; and tho' the other Biſhops ſtood by him, ſaying, *They were but half Biſhops, till they recover'd their Authority out of the Hands of their Chancellor*; and tho' his Chancellor's Patent were a *formleſs Chaos of Authority conferr'd on him, againſt all Reaſon and Equity, wherein was falſe Latin, Nonſenſe, Injuſtice, Prejudice to the Chapter, Contrariety to it ſelf and the King's Grant*

to

to the Biſhop, and the Seal hanging to it none of the Biſhop his Predeceſſor's Seal; yet the Chancellor's Right was confirm'd, and there was given him an Hundred Pound Coſts of the Biſhop. And great Endeavours were us'd to poſſeſs Archbiſhop *Uſher* himſelf againſt him; which went ſo far as to procure an Inhibition and Citation againſt him out of his Court. All his Brethren forſook him, even the Primate himſelf, tho' the laſt that did ſo; yet Almighty God ſo remarkably proſper'd the Zeal of this holy Man, that he was conniv'd at, and held on undiſturb'd in perſonally attending his Epiſcopal Court. God give to our *Engliſh* Biſhops the like Courage and Succeſs.

Thus the *Rooks* give check to the *King*, and the Lay-Chancellor in the Court proves too hard for the Biſhop, as the Devil in the Sign of a *Tavern* doth for the Saint, *Dunſtan* we mean.

But as tho' this were not enough, Matters yet are a great deal worſe: For not only doth an Appeal lye to the *Court of Delegates*, of which we ſhall ſay nothing becauſe 'tis his Majeſty's; but there is alſo the Archbiſhop's *Court of (a) Arches*, where any Eccleſiaſtical Suits between any Perſons within the Province of *Canterbury*, except ſome peculiar (*b*) Juriſdiction belonging to the King's Majeſty, may, waving all inferior Courts, be decided. The Official may take Cognizance of all Eccleſiaſtical Cauſes whatſoever, not only at the Inſtance of Parties, but alſo of his mere Office, or when they are promoted; as alſo all manner of Appeals (except as before excepted) from any Biſhops, Deans and Chapters, *&c.* Achdeacons, their Officials and Commiſſaries, or other Eccleſiaſtical Judges whatſoever; as alſo all Commiſſaries of the Archbiſhop of *Canterbury*, whether particular or ſpecial, within all or any Dioceſs of his Province.

(*a*) Chamberlain's *Preſent State of* Great Britain.
(*b*) Conſet's *Practice of Eccleſiaſtical Courts.*

This Court is kept in the Archbiſhop's Name by his Official, who is the Judge of it, call'd alſo *Dean of the Arches*, a perfect *Layman*, uſually a Knight, and Doctor of Laws. But he being for the moſt part abſent, ſubſtitutes a *Surrogate* in his Place (who is the Archbiſhop's *Man's Man*) *viz.* The Dean of the Deanry of the Arches.

And there doth this Judge *Perkin* ſit in State; and according to the old *Mumpſimus* of the Pope's Canon-Law *alone*, without any Aſſeſſors, hears and determines all Cauſes, without any Jury of Twelve Men, as is neceſſary in Common Law Courts, and preſumes to Sentence not only us Laymen, but the Clergymen alſo, and even Biſhops themſelves, for any Delinquency.

And as the Official treats our Superiors in the Arches, ſo doth the Lay-Chancellor handle us, and the inferior Clergy in the Biſhop's Court, held in the Cathedral of his Dioceſs. Only when any do not appear, being legally cited and propounded contumacious, and decreed Excommunicate, then the Plaintiff's Proctor offers a Schedule of Excommunication to the Judge, who reads it *(a) if he be in holy Orders*, (for you know a ſpecial Care muſt be taken of that) and if not, then it is given to one who is in holy Orders, who is conſtituted to this Purpoſe by the Judge. *Good God!* (ſaith the forementioned Author of *Naked Truth*) *what a horrid Abuſe is this of the Divine Authority! This notorious Tranſgreſſion is excus'd, as they think by this, that a Miniſter, call'd the Biſhop's Surrogate, but is indeed the Chancellor's Servant, choſen, call'd, and plac'd there by him to be Cryer in the Court, (no better) when he hath examin'd, heard, and ſentenc'd the Cauſe, then the Miniſter, forſooth, pronounces the Sentence.* Then the Judge's Seal being clapt to them, away the Letters of Excommunication are poſted to the Rector, Vicar, or Curate of the Pariſh, with

(a) Conſet's *Practice of the Spiritual Courts*, p. 36.

Orders

Orders to publiſh the ſame in time of Divine Service, on ſome Sunday or Holy-day; always provided theſe Letters of Excommunication be delivered to the Rector, *&c.* at leaſt that *ſame Day* on which they are to be read, before Morning or Evening Prayers, that they may be ſure to have timely Notice of it, ſaith our (*a*) Author; which they are to publiſh without delay, unleſs they are willing to undergo the Fate of the Miller's Man who was hang'd for his Maſter; for if they neglect ſo to do, they are to be puniſh'd by Suſpenſion from their Office: For, unleſs at his own Peril, the Pariſh Miniſter muſt no more examine the Equity and Juſtice of the Sentence than a *Hangman* does, but muſt do his Office tho' to the beſt Liver in his Pariſh, be the Cauſe what it will, how unjuſt ſoever the Sentence is, or how illegally ſoever obtain'd. He muſt give Fire when the Word of Command is given; tho' he, good Man! knew nothing of the Matter, yet denounce the Excommunication he muſt, and give the reſt of the People Warning that they avoid the Company of ſuch a one; juſt as the two nimble Iron Sparks on the outſide of St. *Dunſtan*'s Church, when moved by the Wires within, briskly turn about, and give a *Thump* on the Bell, that all may know what quarter of the Hour it is.

2. But to proceed from Perſons to Things. This we ſuppoſe no ſober Man will deny, that Excommunication being a Puniſhment of an immediate Divine Original, Men ſhould have a Divine Warrant in what Caſes to inflict it. And being ſo ſevere a Puniſhment, no leſs than cutting off from the Body of Chriſt, and ſhutting out of the Kingdom of Heaven, as well as the Society of Chriſtians on Earth, it ſhould not be inflicted but for thoſe black Crimes, and deadly Sins, and thoſe obſtinately perſiſted in too, for which the Holy Jeſus hath declar'd, that

(*a*) Conſet's *Practice of Spiritual Courts*, p. 38.

Men

Men do deſerve that Amputation from Heaven, that ſo what is bound here below, may be bound above. And this being the Church's expulſive Faculty for the caſting out of noxious Humours, her Weapon for the cutting off *rotten* and *ſcandalous* Members, ſhould be us'd to that End only, as we find in the *New Teſtament*, and many Centuries after it was, in the Caſe of Hereſy or deteſtable Enormities, accompany'd with Contumacy. Now ſuch Sinners ſwarm among us; we have ſuch Crouds of Adulterers, Drunkards, Swearers, Blaſphemers, *&c.* that ſome of the Sons of our Church ſay, by way of Excuſe for the neglect of Diſcipline, it would not be prudent or ſafe to attack them. How few of theſe do our Eccleſiaſtical Courts take Notice of? In *David's* Time, the *Sparrows* were allow'd a Place near God's Altar, in our Days whole Herds of *Swine* have the ſame Privilege, and no one will or dare to drive them out. But if a Man trip in a *Ceremony*; if an honeſt, but ſimple Diſſenter will not come to the Sacrament, becauſe tho' weakly, yet it may be conſcientiouſly, he ſcruples Kneeling; or will not thro' Obſtinacy pay the Parſon his Dues; or if the Governors of the State have a Political Deſign to carry on, out comes the ſacred two-edg'd Sword immediately, and they are cut off by Dozens. We have known a Miniſter of our Church ſuſpended for not burying a Corps in his Surplice when the Surrogate bid him do it at the Grave: and a well-meaning, but ſtubborn Fanatick, ſent to the Devil as an *Eaſter-Offering*, becauſe he would not give his Parſon One and two Pence halfpenny, and the obſtinate Fool lay by it on a *Capias* in the Jayl for ſeveral Years.

But it were well if the *Eccleſiaſtical Courts* did let fly only on theſe Occaſions. For the neglect of a religious Ceremony may by ſome be call'd a *mortal Sin*, and not paying the Miniſter's Dues is a *Fundamental* Point, and a piece of Sacrilege.

But

But the Matter doth not ſtop here. For the Spiritual Courts * have got to themſelves the Cognizance of a Multitude of Temporal Cauſes, *viz.* all Teſtamentary Matters, Matrimonial Cauſes, (and theſe are numerous, for the *Subject is fruitful*) Jactitation of Matrimony, Divorces, Baſtardy, *&c.* Defamations, Violence to a Clergyman, Rights of Patronage, double *Quereles*, Wages for a Curate or Clerk, Intereſt and Title to a Benefice, Maintenance in it, ſuch as Tythes of all Kinds, Oblations, Obventions, Penſions, Mortuaries, Church-yard, *&c.* the Dues of a Pariſhioner to the Church, as to Raparations, Seats, Bells, buying of Books, Utenſils, or other Ornaments; not building a Church enjoyn'd by a Teſtator, not keeping a Church in a comely ſort, or when a Church Warden refuſes to yield an Account of the Church Stock; violating a Sequeſtration for Tythes not paid; hindering to gather or carry Tythes; Money promiſed for redeeming Corporal Penance, and detain'd; Fighting or Brawling in a Church-yard, (I ſuppoſe, leſt the Dead ſhould be diſturb'd and hinder'd of their Reſt.) And then all Duties ariſing at firſt in the Exerciſe of *Voluntary* Juriſdiction, and yet by denial made *litigious*; ſuch be real Compoſitions ſought by ſome Party to be diſannull'd, Procurations, Penſions, Synodals, Pentecoſtals, Indemnities, Fees for Probates, *&c.* or (which they to be ſure will not forget, and therefore neither will we) *Fees* growing due, only upon Exerciſe of *litigious* Juriſdiction, and thoſe either due to the *Judge* himſelf, as Fees of Citation, Fees of Sentences, *&c.* or due to other Attendants in the Court, as Fees of Advocates, Proctors, Regiſters, Apparitors, *&c.* Lord! What a bleſſed Regiment of Cauſes is here, like that of the *Black Guard* for Spiritual Courts! Well, but tho' moſt of theſe one would think were Civil Cauſes, and fit therefore

* *See* Couſin's *Apology.* p. 18, 19.

for

for Civil Courts; yet let them come before the Spiritual Ones, if they pleaſe, as long as a *Layman* is the Judge of them. All that we ſtand on is this, they ſummon People to anſwer on all theſe Caſes, and make Decrees; and if any one do not appear, or do not obey their Decree, or not anſwer their Interrogatories, they are Judg'd *contumacious to the Church*; and then there is *Death in the Pot*, and they have no other way to puniſh but by Excommunication. So that an honeſt Man is frequently ſmitten with the Church's Thunder, for Matters of mere Civil Right, or trival Occaſions; or it may be through the Tricks and Quirks of inferior Offices, or ſometimes through the Ignorance of a blundering Surrogate, for the ſake of a little Money.

Let us hear my Lord *Bacon*'s Opinion of this Matter? 'Excommunication is the greateſt Judgment 'upon Earth, *&c.* and therefore for this to be us'd 'irreverently, and to be made an ordinary Proceſs 'to lacquey up and down for Fees, how can it be 'without Derogation from God's Honour, and making the Power of the Keys contemptible? I know 'very well the Defence thereof, which hath no 'great Force, That it iſſues forth, not for the Thing 'it ſelf, but the Contumacy. ------ But the Contumacy muſt be ſuch as the Party, as far as the Eye 'and Wiſdom of the Church can diſcern, ſtandeth 'in a State of Reprobation and Damnation, as one 'that for that time ſeemeth given over to final 'Impenitence.

To this I think we may add their Device of excommunicating *whole Communities* of Men, as a Dean and Chapter, or a Maſter, Fellows and Scholars of a College, the Mayor and Aldermen of a Town, *&c.* Hereby they have in ſome Meaſure that Emperor's Wiſh, that the People had but one Neck, that he might chop it off at one Blow. By this Interdict are prohibited all Divine Offices, as Divine Service, Chriſtian Burial, Adminiſtration of Sacraments, *&c.* in ſuch a Place, or to ſuch a People. And if it be againſt

againſt a *People*, it follows them whereſoever they go; if againſt a *Place* only, then the People of that Place may go to Divine Offices elſewhere: Only the *Pope's* Canon-Law adds (*a*) That ſome who are in a ſpecial Manner privileg'd by the *Roman* Church, when a whole Country is interdicted, may celebrate Divine Offices with a low Voice, but then the Doors muſt be ſhut, the Bells muſt not be rung, and all the excommunicated and interdicted Perſons muſt be excluded.

By this Contrivance whole Communities of Men may be broken off from the Body of Chriſt, as whole Countries have been, and ſome ſay *Britain* in particular, from the Continent by the Fury and Violence of the Ocean. But it will be hard to reconcile this to the Common Notion of Excommunication, that 'tis (*a*) *precurſory Judgment of Chriſt in the End of the World*; When we have been ſo often told from the Pulpit and Preſs, that then Societies ſhall not be puniſh'd *as Societies*, but every Man ſhall perſonally anſwer for himſelf.

3. We paſs on to the Manner of proceeding in Excommunications, which we ſhall find exactly ſuitable to the *Cauſes* for which they are inflicted, and the Tools that manage this Weapon: For here is no Pains taken with Men to bring them to Repentance by Scripture and Reaſon, convincing them of the heinous Nature of their Offences, and beſeeching of them in the Bowels of Chriſt; only a bare pronouncing the Words, *I admoniſh you*, three times in a Breath; like the *Jews* whipping St. *Paul* with a triple Cord, and giving three Laſhes in one. We had thought this had been a mere Corruption in the Officers: But we find one of their own Tribe tells us the Law, That a

(*a*) *Decret.* Greg. l. 5. *Tit.* 40. *de Verb. ſignif. c.* 17.
(*b*) *Lord* Bacon's *Conſiderat.* p. 21.

(a) *Man may be admoniſh'd a firſt, a ſecond and a third time, all at one and the ſame Moment.* Things are manag'd at theſe Spiritual Tribunals juſt as they are at Civil Ones: If you will not buckle, there is no other means us'd to induce you to it, but the Charges of the Court, the trouble of dancing Attendance on it; and by and by out comes the *two-handled Rod and Bloody Pail* to fright the ſtubborn Children into Obedience.

And theſe Fees of the Court ſometimes are very terrible Things, and touch a Man to the quick. As the Reckoning is enflam'd by a rougiſh Vintner, when his Gueſts are ſo with liberal drinking, by ſcoring up two Bottles for one at the Bar; ſo they know how to take the advantage of the Ignorance of thoſe they have got into their Clutches, and top upon them double the Rates of what is by Law allow'd. I find one of themſelves confeſſing this in ſundry Inſtances in the Courts of the Archbiſhop of *York*, as to Teſtamentary Matters, and acknowledging the ſame in general as to other Fees, for Copies of Acts, Depoſitions of Witneſſes, Fees to Apparators, *&c.*

Take one Inſtance: (b) 'To a Judge for an Adminiſtration (where the Eſtate is above 40 *l.*) 7 *s.* 6 *d.* which Advance from 2 *s.* 6 *d.* (for that was the old price according to the Table allow'd of in 13 *Eliz.*) was, as I have heard, ſays he, in compaſſion to one of the Commiſſioners of the late Archbiſhop his neceſſitous Condition, agreed by all the Proctors and other Officers to be impos'd on the Country.' Whether this Commiſſary be dead or no, I know not, but till the Year 1685, this way of *raiſing Money on the Country without Act of Paliament*, did continue in this, and in many other

(a) Conſet. *Practice of Eccl. Courts.* 383, 384.
(b) Conſet. *Practice of Eccl. Courts*, p. 422, 423.

In-

Inſtances there enumerated by him, and I ſuppoſe doth ſo ſtill: By the ſame Reaſon that the late *French* King impos'd Taxes on his Slaves in time of Peace, becauſe he had Authority given him once to do it in Caſes of Neceſſity, while the Kingdom was in a Flame. And tho' he had had a *Law* to do ſo, which theſe Harpies never had, yet the forementioned Author gives a Subſtantial Reaſon for the Thing that may ſupply the Place of it: 'For ſaith he, ſpeaking 'of the Regiſters, the Reaſon of Augmentation 'to them is, becauſe they pay great Fines to the 'Archbiſhops for their Places (*and he that buys the 'Devil muſt ſell him*) and do again let them for a 'Term of Years to Deputies for great Fines; 'which Deputies have no ways to raiſe their Mo-'ney but by this Manner of Advance or Exaction 'upon the Country.' Now I think the ſame Argument is altogether as ſtrong for the *Surrogate*, who is the Chancellor's Deputy; for Chancellors and Officials have learnt the Art of making their Places *Sinecures*, committing them to the Management of thoſe Journey-men, who are many times wretchedly ignorant, and ſo are often impoſed on by the Inferior Officers, by whoſe Direction all Matters are diſpatch'd (as the Clerk manages the Juſtice) and they to be ſure will turn the Water into ſuch a Channel, that it may moſt effectually drive their own Mills.

But ſuppoſing none of theſe *Blunders* or *Knaveries* to be committed, lets a little examine the regular and ordinary Proceedings. And in order thereunto, we muſt conſider there are two ſorts of Cauſes, *Plenary*, *i. e.* ſuch as require a ſolemn Order and Method; and *Summary*, where that being wav'd, a proceeding by a ſhorter Cut will ſerve the Turn. Now what Cauſes in particular fall under each of theſe Heads, is kept very dubious for a very *profitable* Reaſon, *viz.* this, Tho' the Cauſe be *Summary*, yet you may proceed *Plenarily*; and 'tis the more valid, and the Officers of the Court can the

better lick their Fingers. But if the Cauſe ſhould be judg'd to be a *plenary* one, and you ſhould proceed *ſummarily*, then all the Proceedings are immediately null, you loſe your Charges, and the Proctor gets; and the Pigeon-houſe of Cards being pull'd down, the Chil' muſt begin all again.

Now in *plena* Cauſes out goes a *Citation*, either general or ſpecial, obtain'd by the Plantiff, his Sollicitor, or Proctor, drawn by the Proctor, Sollicitor, or Apparitor in writing, and ſeal'd by the Judge. Then the Mandatory, or the Plantiff, certifies the Manner in which the Defendant was cited, that ſo the Plantiff's Proctor may draw an authentick Certificate thereupon, to which an authentick Seal is put, at the ſpecial Inſtigation and Requeſt of the Mandatory.

Then you muſt have a Proctor, either *general* or *ſpecial*, to manage the Cauſe: For no Citation, tho' executed, can be brought into Court but by him; he muſt be conſtituted by *Proxy*, *i. e.* by a Power or Mandate given to the Proctor by his Client, to appear and tranſact for him, or before a Notary Publick, with Witneſſes, and this authentically ſeal'd too: And the Election of your Proctor muſt be inſerted in the Acts of the Court; if he die after the Suit is conteſted, the Mandate is abſolutely revok'd. Then ſuppoſing they have not got you on the Hip for ſome Error as yet, however there be abundance of Blots yet to be hit. Many Exceptions may be brought in, *peremptory ones*, either ſimply ſuch, or defenſive; or *dilatory ones*, and theſe are two-fold, *Dilatoria Solutionis*, where perhaps the Party alledges the Payment or Satisfaction of what is ſued for, and *Declinatoria Judicii*, for declining the Cauſe, either by excepting againſt the Judge by *Recuſation*, *Provocation*, &c. or by reaſon of the Plantiff, or the Arbitrators, or Proctor, Advocate, Libel, Witneſſes, Interrogatories, publick Inſtruments, Poſitions, Sentence, *&c.* Beſides theſe, there are two Squadrons more of Exceptions; *Mediæ*, or mixt ones, and *Anomalæ*, or irregular ones; each of which have their proper

proper Seaſons of being urg'd: And theſe muſt be drawn in Writing, and ſome Body muſt pay for all this; for 'tis Money makes theſe Beaſts to go, without which they will not ſtir a Foot.

What we have hitherto ſpoken of, is common to all Cauſes, whether *plenary* or *ſummary*. What we ſhall farther add (and there is much behind) agrees in its whole Latitude to the former Sort of them. Suppoſe then, that hitherto we be clear of all Rooks; then comes the Libel, but it muſt be ſubſcrib'd by an Advocate, and poſſibly you may wait a little for it till next Court-Day. This being at laſt given into Court, it often happens that it muſt be amended, or alter'd, in many Caſes too tedious to reckon up. And you can't have any thing done to an old Suit of Cloaths, but you ſhall find an *Item* for it in a Tayloy's Bill. Then follows the *conteſting* the Suit: By this Time the Defendant is call'd upon to put in his Anſwer, and unleſs he confeſs the Fact, either in part or in whole, as 'tis laid, and ſo caſts himſelf on the Mercy of the Court, which is conteſting a Suit *Affirmatively*, he muſt proteſt by his Proctor againſt the Generality, Ineptitude, Obſcurity, or undue Specification of the Libel, and that the Things contain'd in it are not true, and therefore what is contain'd in it ought not to be granted: And this is conteſting *Negatively*.

Then the Plantiff alledges that his Libel is in Articles, and he deſires that the Judge may repeat it in full force of the Poſitions and Articles; which accordingly is done, and the Libel admitted with a *Salvo Jure impertinentium & non admittendorum, &c.* On this the Plantiff deſires an Anſwer to the Poſitions of this Libel; whereupon the Defendant's Proctor replies, He don't believe the Poſitions to be true. Then the Plantiff by his Advocate, deſires the Defendant may be decreed to be cited to anſwer perſonally to the Poſitions of the Libel, before the Judge, or ſome Commiſſioners. The Defendant's Proctor diſſents from this, and requeſts a Term to be

be aſſign'd to prove the Libel. And here both Sides may ſquabble and brawl about it; but it muſt be by their *Seconds* (the Officers I mean) in Mode and Figure about the Time, that 'tis too ſhort or too long, and either of them for that Reaſon may Appeal.

The Suit being conteſted, from Words the Proctors fall to Oaths, and either Side may lend his Client a *Swear*; the one, that he believes the Contents of the Libel are faithfully propounded; the other, that he will give a faithful Anſwer. Then the two *Principals* muſt take the Oaths of *Calumny*; the *general* one, and this is taken but once, and that either here or in any Part of the Proceedings; and the *particular* one, call'd the Oath of *Malice*, to this purpoſe, that both of them believe their Cauſe to be good, that they will manage it honeſtly, and not protract the Suit, and give no Bribes, only the *Fees* are excepted to ſuch Perſons to whom the Laws and Canons do allow them. After this, their Proctors help them to keep theſe Oaths by ſtaving off the Buſineſs, upon impertinent Quirks, for ſix Court-Days, nay, ſometimes for two or three Terms; ſo that, ſaith our Author, Men complain exceedingly of theſe Abuſes, that they *never knew any End of their Buſineſs after it comes into theſe Courts.*

Well, the Citation, tho' long firſt, at laſt is gotten out, for the Defendant to appear and anſwer the Libel before the Judge, or the Commiſſioners; which Commiſſion muſt be certify'd into Court that it hath been executed, and is ſometimes paid for jointly, ſometimes by one of the Parties only. The Defendant then puts in his Anſwer, which is either Categorical, Hypothetical, Modal, affirming or denying, finitely or infinitely; true, neceſſarily or contingently; falſe, or in equipolent Terms. Then the Defendant appearing perſonally, is ſworn to make a faithful Anſwer to the Poſitions of the Libel, only his Proctor proteſts he don't intend to anſwer to any criminal or captious Poſition; or if he do, it

ſhall

ſhall be accounted null. The next Court-Day he is ordered to appear to be examined. But it may be he hath anſwer'd too little, and then he is ſummon'd again to anſwer more fully; it may be too much, and then his Proctor may ſubduct and revoke it.

When this is ſettled, if the Witneſſes won't come voluntarily on an Offer of bearing their Charges, then come *Letters Compulſory* for them to appear before the Judge, or Commiſſioners; and a Commiſſion is then granted to hear their Depoſitions within the *Term Probatory*. Theſe Letters are return'd into the Court, and it may be the Witneſſes can't be found; none of them, or but ſome of them do appear, and the Abſenters are to be excommunicated; and this is often contriv'd on purpoſe, that hereby the *Term Probatory* may be prorogu'd, and ſo the Suit may be protracted, and the Charges increas'd.

The Witneſſes at laſt being got all together before the Judge, they are ſworn: Then the Proctor proteſts againſt them, and any thing they ſhall ſay againſt the Intention of his Client, and deſires a Day to be aſſign'd for propounding *Interrogatories*, which are to be given in by him into the Hands of the Regiſter, and ſign'd by the Witneſſes, and after repeated before the Judge, who examines them, Whether on their Oath it be all right and true? And whether they would have any thing altered? But their Poſitions are taken in *Latin*, becauſe we ſuppoſe that's a Language that is like the *Univerſal Character*, which all, even the Country Jobbers themſelves, do underſtand.

Now after this, it may be the Proctor on one ſide objects, that the Witneſſes han't anſwer'd to ſome Interrogatories which they ought to do, or not fully; but he, on the other ſide, gives him the *Lie*, and ſo a Day is appointed for the Judge to enquire into this.

It may be the Witneſſes are to be produc'd, not before the Judge, but the Commiſſioners; and then, there's

there's more ado in that Caſe than this, which, to avoid Tedioufneſs, we omit.

For the ſame Reaſon we ſhall (tho' we are yet come hardly half way) proceed no farther, nor ſpeak particularly to the publiſhing the Depoſitions of the Witneſſes, producing more Witneſſes, Exceptions which are numerous, and Replications, which are are as many, and anſwer the other, juſt as one Tally doth another; nor of Duplications and Triplications, and Quadruplications. For by all theſe Ways is the Cauſe bang'd about between the Parties, and beaten too and fro like a Shittle-cock between two Battledoors: Nor of dread Proofs, which are Inſtruments, either publick or private, and both of them of many ſorts: Nor of the Aſſignation of the Term to hear Sentence; nor of the ſuppletory Oath, given ſometimes to one Side, ſometimes to t'other, to ſupply and piece out the Defect of Proof.

Beſides, and after all this, there's another long pair of Stairs, and 'tis the third in order, that would break a Man's Wind to get up, and that is, the giving of Sentence. And then when you think the Matter is iſſued and ended, all is undone again by an Appeal, which if we ſhould fully ſpeak of, there are ſo many deep Steps, that we ſhould be utterly tired, as to be ſure the Plantiffs and Defendants have been long e'er this, by being carry'd, and led down ſo many dark and winding Stairs in theſe enchanted Caſtles.

From what hath been offer'd, we plainly ſee, there's no Difficulty in believing that to be a very great Truth that Biſhop *Burnet* tells of Biſhop *Bedel*'s Obſervation, That the Officers of his Spiritual Court drew People into Trouble by *vexatious Suits, and held them ſo long in it, that for Three Pennyworth of the Tithe of the Turf, they would be put to Five Pounds Charges.*

We have only one Thing to add on this Head, and we leave it, that one half of the Manner of their Proceedings hath not been told in *plenary Cauſes:*

ſes: And tho' many cramp Words have been us'd by us in what we have written, they are the proper Terms of Art; and there's a very large Vocabulary of them, neceſſary to be mention'd by us if we ſhould tell out the Remainder of this Tale; which we forbear.

4. We ſhould proceed to the Things that enſue upon Excommunication. And here it were eaſy to be very large in diſcourſing on the *Significavit* into the Court of *Chancery*, in the Biſhop's Name, that the Perſon hath ſtood excommunicate Forty Days, for the getting a Writ *de Excommunicato Capiendo*, that he may be ſent to Priſon: And of the Forfeitures of Ten Pounds on every *Capias* afterwards, for not yielding one's ſelf up a Priſoner on the Proclamation of the *Capias*. *It is a Liberty peculiar to the Church of* England (ſaith the Learned (*a*) Advocate of theſe Courts) *above all the Realms in* Chriſtendom *that I read of, that if a Man ſtand wilfully Forty Days together Excommunicate, and be accordingly certify'd by the Biſhop into the* Chancery, *that then he is to be committed to Priſon witout Bail or Main-priſe*; Quod poteſtas regia Sacroſanctæ Eccleſiæ in ſuis querelis deeſſe non debet, *Becauſe the Royal Power ought not to be wanting to holy Church in her Quarrels.* Yet we muſt confeſs we don't ſee how this can be juſtify'd, unleſs that *Axiom* be own'd for Truth, that *Dominion is founded in Grace*; and when a Man is made a *Publican* and *Heathen*, he loſes all his Civil Rights.

We might farther ſpeak of the ſeveral ways of Abſolution from this Sentence, and that upon ſeveral little Miſtakes in the Form of Proceedings, and by Orders ſent down from Civil Courts: For when a Man is faſt bound, one would think, there are many of theſe Ways of unlooſing him; as we have ſeen Children, that by the dextrous pulling of the right

(*a*) *Dr.* Couſin's *Apology*, p. 8, 9, 10.

String, have immediately whipt off the Packthred from another's Thumbs in a moſt ſurpriſing Manner.

We might farther ſpeak alſo of the *Commuting of Penance for Money*; 'which, as * Biſhop *Burnet* well 'ſaith, is the worſt ſort of Simony, being in effect 'the very ſame Abuſe that gave the World ſuch a 'Scandal, when it was ſo indecently practis'd in the 'Church of *Rome*, and open'd the Way to the Refor-'mation; for the Selling of Indulgences is really but 'a Commutation of Penance.' Of this that good Biſhop *Bedel* had ſo many, and ſuch notorious Inſtances in his Dioceſs, that he bitterly bewail'd it, and to which he was able to reply nothing, but that he had read in † *Mantuan* of another Place in the World, *(Rome* he means) *where Heaven and God himſelf were ſet to ſale.*

Now from that little that hath been ſaid, we may ſee how truly he ſpoke, when he ſaid, ‡ That a *plain and ſimple Thing* is by theſe Men *made very intricate.* And that ** *amongſt all the Impediments to the Work of God among us, there is not any one greater than the Abuſe of Eccleſiaſtical Juriſdiction. This is not only the Opinion of the moſt Godly, Judicious, Learned Men, that I have known, but the Cauſe of it is plain.*

[*Bleſſed Jeſu! who alone workeſt great Marvels, ſend down thy Spirit on our Biſhops, that they may boldly whip theſe Buyers and Sellers out of thy Temple, that ſit there only to diſhonour thy Name, and ſpunge on thy People, and turn thy Houſe of Diſcipline into a Den of Thieves.* Amen.]

And we beſeech God to encline their Hearts, and thoſe of our Governors to do it, and not to ſuffer theſe Lay-Chancellors to meddle but in Civil Cauſes only, and there to regulate their enormous

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* *Biſhop* Bedel's *Life*, p. 89.
† *Ib.* p. 90.
‡ *Ib.* p. 93.
** *Ib.* p. 103.

Abuſes

Abuſes; and in the Lord *Bacon*'s Words, 'That in 'lieu of Excommunication, there be given to them 'ſome ordinary Proceſs, with ſuch Force and Coer-'cion as appertaineth; and that this Cenſure be re-'ſtor'd to the true Dignity and Uſe thereof, which 'is, that it proceed not but in Caſes of great 'Weight; and that it be decreed not by any De-'puty or Subſtitute, but by the Biſhop in Perſon, 'and not by him alone, but aſſiſted by ſome others 'of his grave Clergy, according to the excellent 'Model of that incomparable, learn'd and pious 'Archbiſhop *Uſher*.

Then will Diſcipline recover its ancient Vigour and Splendor; then will Sinners no longer ſlight this ſpiritual Sword in the Church, as Atheiſts do God's fiery flaming one that ſometimes appears in the Heavens, as if it were a mere *Meteor* hanging in the Air, and made of fiery Vapors only; but will find it a ſolid ſubſtantial Thing, hath a real Point and a ſharp Edge, piercing into the very Depths of the Soul, and that it needs not corporal Penalties to ſet one upon it to that End.

SECT. IV.

Of removing ſcandalous Miniſters.

AND ſure none that regard the Glory of Almighty God, or the Honour of our Church, or the Reputation of our Clergy themſelves, can ever oppoſe ſo reaſonable a Motion as this; for nothing has more expos'd our holy Religion to Contempt, or encourag'd the Laity in their Vices, or ſunk the Credit of our Clergy, (not to ſay of our Church it ſelf) than the ſcandalous Lives of ſome of that Function. And ſince Examples have a more powerful Influence on the People, than mere Pre-

cepts; 'tis no wonder that the Lives of flagitious Clergymen bring in more Proſelites to Wickedneſs and Vice, than ever their Preaching will make Votaries to Religion and Virtue; for how ſhould the beſt Advices and Counſel they can deliver from the Pulpit, make any great Impreſſion on their Hearers, which they never follow themſelves, when out of it? They may long enough commend Virtue and declaim againſt Vice, and urge what they ſay with Arguments drawn from the Rewards and Puniſhments of another World; but how ſhould the People believe them, when they do not live as if they believed themſelves? And while ſo many of our Clergy make no great ſcruple of Conſcience to drink and whore, and ſwear and game, and droll on the Bible, and profane the Sunday, and neglect the moſt important Duties of their Paſtoral Charge; 'tis no wonder if the Laity think themſelves authoriz'd to take the ſame Liberty which they ſee us'd by thoſe whom they look on, not only as their Inſtructers, but their Patterns too. It was a juſt Obſervation of the late Earl of *Rocheſter*, that that one particular Vice, *viz.* The baſe Arts of ſome Clergymen, in aſpiring to the high Preferments of the Church, had poſſeſs'd many of the beſt Quality of the Nation with that wretched Idea of Religion, that greatly diſpos'd them to Atheiſm: For they look'd on that ſacred Profeſſion as a holy Cheat, a Trade of talking well, and living ill. 'Tis high time then to redreſs this Corruption, to rid our Pulpits and our Altars of ſuch as ſtain them with their profane Breath and unhallowed Hands, and like the wicked Sons of *Eli*, make the very Offerings of the Lord to be abhor'd. And we are ſure our Church may as well ſpare them, as a beautiful Face may thoſe Blotches and Scabs that ſerve only to diſfigure it. And yet in all the Book of Canons, we find not one that expreſly orders the depoſing a ſcandalous Clergyman.

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There is indeed a * Canon againſt ſuch Miniſters as omit the Uſe of any Form of Prayer, or any Rite or Ceremony whatever preſcrib'd in the Service-Book, to ſuſpend them for the firſt Fault; if they perſiſt a Month in it, to excommunicate them; if another, to depoſe them; and † another to make void the Licenſes of all ſuch Miniſters as refuſe to conform to the Laws, Inſtitutes, and Rites of our Church. So that we cannot blame her for not taking ſufficient Care to purge out of all her Sons, that ſcandalous Sin of Nonconformity. For there's another ‡ Canon to ſeclude from the Miniſtry for three Months, every Miniſter that ſhall refuſe to baptize any Child that's brought to him, (be the Parents Chriſtian, Mahometan, or Pagan) or bury any (except the Excommunicate, *&c.*) according to the Form preſcrib'd in the Liturgy. Another ** Canon forbids Miniſters either to appoint or keep Faſts, either in publick or private Houſes, without the Leave of the Biſhop, threatning him with Suſpenſion for the firſt Time, Excommunication for the ſecond, and Depoſition for the third. A Canon which we think might very well be ſpar'd, for People need very little to be diſſuaded from that ſort of Mortification; and the Miniſters will be very loth to attempt it, when they are obilg'd to double Penance, to go on Pilgrimage to the Biſhop one Day, and faſt the next. Another ‡ Canon there is againſt all Meetings or Clubs of the Clergy to plot any thing againſt the Doctrine of the Church, or to the Prejudice of the Common-Prayer-Book, threatning them with Excommunication. A very provident Canon indeed, that ſeems to have been made by a Spirit of Propheſy againſt the *Latitudinarians*. We need not inſiſt on the LXXIVth Canon, which preſcribes

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* *Can.* 38. † *Can.* 54. ‡ *Can.* 68.
** *Can.* 72. ‡ *Can.* 73.

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the Clergy their ſeveral Habits, and very prudently cautions them againſt wearing light-colour'd Stockings, and charitably allows ſhort Gowns to the poor Curates that have not Money to buy long ones.

But ſetting aſide theſe heinous Crimes; we find only this one Canon againſt other Immoralities, *viz.* 75. *No Eccleſiaſtical Perſons ſhall at any time, other than for their honeſt Neceſſities, reſort to any Taverns or Ale-houſes, neither ſhall they board or lodge in any ſuch Place: Furthermore they ſhall not give themſelves to any baſe or Servile Labour, or to Drinking or Riot, ſpending their Time idly by Day or by Night, playing at Dice, Cards, or Tables, or any other unlawful Game. But at all times convenient they ſhall hear or read ſomewhat of the Holy Scriptures, or ſhall occupy themſelves with ſome other honeſt Study, or Exerciſe, always doing the Things that ſhall appertain to Honeſty, and endeavouring to profit the Church of God, having always in Mind that they ought to excel all others in Purity of Life, and ſhould be Examples to the People to live well and Chriſtianly, under Pain of Eccleſiaſtical Cenſures to be inflicted with ſeverity according to the Qualities of their Offences.*

This Canon indeed ſpeaks ſomething to the Purpoſe, and yet we would beg leave to ſuggeſt two things relating to it.

1. We ſuppoſe this Canon only threatens the ſcandalous Clergy with Excommunication; for it does not, as the 38. 72. *&c.* threaten them with Diſpoſition on their perſiſting incorrigible. Whereas that too is highly neceſſary, there being all the Reaſon in the World that obſtinate Nonconformity to the Laws of God ſhould at leaſt be equally puniſh'd with ſtubborn Nonconformity to the Laws of the Church; for it will look very odd to treat a Miniſter more ſeverely for omitting a Collect in the Service-Book, or keeping a private Faſt, than for being drunk, or lying with his Neighbour's Wife.

2. We

2. We wiſh that this good Canon it ſelf may not ſtand for a Cypher for want of Execution. And yet hitherto all the good Effects that might have been expected from it to free our Churches from ſuch leprous and unclean Prieſts, have been in a great Meaſure fruſtrated. For we do not ſee that one in twenty, of ſuch whoſe notorious Vices make too publick a Noiſe to be unobſerv'd was ever excommunicated, much leſs depos'd for them. We ſpeak within Compaſs, and heartily lament the intolerable Miſchiefs that from this fatal ſource overflow our Church. And therefore we would humbly recommend it to the Wiſdom of our Convocation, to take the muſt effectual Methods for obviating of them; and (if it might be no Offence) we would take the Liberty to ſuggueſt that if the Rural Deaneries in Archbiſhop *Uſher*'s Model were reſtored, they might firſt receive Complaints againſt ſuch, and ſuſpend them till the Matter come before the Dioceſan Synod. Were this done, and were all our Clergy ſuch excellent Ornaments of their Profeſſion, as (God be thanked) a great many of them are, the Diſſenters would not ſo eaſily gain Ground upon us, as they have hitherto done by the pretended Strictneſs of Life in their Miniſters, and their great Laborioufneſs in the Duties of their great Function.

SECT. V.

Of the Reformation of Manners in Miniſters.

WHAT relates to ſuch as are chargeable with ſcandalous Immoralities was conſider'd under the former Head; but under this Head, we would humbly recommend the reforming two very

very groſs Corruptions retain'd in our Church, notwithſtanding all the loud Complaints that have been made againſt them, *Pluralities* and *Non-Reſidence*, two Diſeaſes that have hitherto defy'd all Remedies, and have been rather cheriſhed by our Spiritual Phyſicians; ſo hard it is to redreſs theſe grand Evils in a Synod where the greateſt Pluraliſts and Non-Reſidents do commonly make up the major Vote: and yet theſe are ſo notorious Blemiſhes in a Church, that even the Council of *Trent* could not for very Shame but take notice of them. And the truth is, tho' they have in their beſt Decrees of Reformation left a Hole to creep out by virtue of Diſpenſations, yet their Canons are far more ſtrict than ours: for in their Decree of Reformation, *Seſſ.* the 7th, *Cap.* 2*d.* they forbid any Prelate having more Metropolitan or Cathedral Churches than one *in Commendam*, accounting him happy that can govern one well. And *Cap.* 3*d.* They enjoyn the Collation of Inferior Eccleſiaſtical Benefices that have Cure of Souls, on worthy and able Perſons, who may reſide on the Place, and take care of the Flock themſelves; and by the 3d, deprive that Clergyman of all his Benefices that retains more than one, whether by way of Union for Life, or perpetual *Commendam*, or any other Title, *&c.* Only all theſe good Canons are ſpoil'd, and by the wretched Art of Diſpenſations made only a more ſubtile Trick of drawing Money into the Pockets of thoſe that grant them. And *Seſs.* 23*d.* *Cap.* 1. Their Decree of Reformation againſt *Non-Reſidents* begins thus: *Since all to whom the Care of Souls is committed, are enjoyn'd by Divine Precept to to know their Sheep, to offer Sacrifice for them, and to feed them with the preaching of the Word of God, the Adminiſtration of Sacraments, and the Example of their good Works, to take a fatherly Care of the Poor and all other miſerable People, and diſcharge other paſtoral Duties; all which can never be perform'd by thoſe that do not watch over and aſſiſt their Flock, but like Hire-*

Hirelings forſake them, &c. See alſo *Seſſ. 6. Cap.* 1. and 2*d.* And what they ſay is far more applicable to Pariſh Churches than to Metropolitan or Cathedral.

But to return to our own Church: For *Pluralities* I find only this one Canon about them, *viz.* 4.

No Licenſe or Diſpenſation for the keeping of more Benefices with Cure than one, ſhall be granted to any, but ſuch only as ſhall be thought very well worthy for his Learning, and very well able and ſufficient to diſcharge his Duty, who ſhall have taken the Degree of a Maſter of Arts at leaſt, in one of the Univerſities of this Realm, and be a publick and ſufficient Preacher licens'd: Provided always *that he be by a good and ſufficient Caution bound to make his perſonal Reſidence in each of his ſaid Benefices for ſome reaſonable time in every Year, and that the ſaid Benefice be no more than* 30 *Miles diſtant aſunder; And laſtly, that he have under him, in the Benefice where he does not reſide, a Preacher lawfully allow'd, that's able ſufficiently to teach and inſtruct the People.*

A Canon that rather approves and ſtrengthens than corrects ſo ſhameful an Abuſe: For what reſtraint can it be imagin'd to lay upon it? A Man needs no higher Qualifications to capacitate him for being a Pluraliſt, than that he be a Maſter of Arts and a lawful approved Preacher. Here are no Bounds ſet to the Number of the Benefices he may enjoy, but that they ſhould not ſtand above 30 Miles from one another; ſo that a Man may enjoy the ſame Number of Benefices, provided he can bring them within the Compaſs of Miles. And I wiſh that the Avarice of ſome could be held within theſe wide Bounds too.

Nor is the *reaſonable Time* in which he muſt reſide yearly in every one of them determined, but left to his own Diſcretion. And now what Apology can be made for ſo unreaſonable a Practice? Let us ſuppoſe a Pluraliſt to engroſs four or five good Livings to his own Share, the beſt Reſtriction

laid on him by this Canon is, that he keep in every Living were he reſides not, an approv'd Preacher that may profitably teach and inſtruct the People; but if theſe four Preachers that ſupply his Place in four of his Pariſhes be Men of thoſe Abilities that fits them for diſcharging all the Duties of their Function to the People, what tolerable Reaſon can be given, why they ſhould not enjoy all the Encouragement to their Labour which the Pariſh-Tithes were deſign'd to give them? Why ſhould the main part of the Profits of poor Pariſhes be ſwept away by an idle Drone of a Pluraliſt, that ſanters about in his Coach, and ſwims in Luxury and Eaſe, but never takes the leaſt Care of them, unleſs perhaps once in a Year to give them a kind of *Viſitation-Sermon*, while the poor Miniſters that reſide amongſt them, and beſtow all their Pains and Time upon them, ſcarce earn their Bread with the Sweat of their Brows, but ſtruggle under thoſe Diſcouragements of a ſtingy Allowance, that ſtarve their Parts, and ſink their Spirits, and too often put them on doing thoſe Things which renders them mean and contemptible: For by that time a poor Curate has provided Bread for his Family, and perhaps a Gown and Caſſock for himſelf out of his 20 or 30 *l. per Annum*, he'll find very little left for the Increaſe of his ſlender Library, and much leſs for thoſe Works of Charity, whereby he ſhould keep up that Eſteem and Intereſt in the Hearts of the People, that ſo highly conduces to the Succeſs of his Inſtructions upon them. So that while the Number of the Pluraliſts is ſo great, and their Covetouſneſs far greater, it cannot be expected, where the Salary they allow is ſo deſpicable, that they ſhould ever provide for ſome of their Cures any better Prieſts than thoſe of *Jeroboam*, made of the meaneſt of the People; ſuch as may thank God that our Church has furniſh'd them with a Liturgy, and ſome of our Learned Clergy with Sermons for every *Sunday* in the Year. And what Account will ſuch *Mercenary* Paſtors, as the Council of *Trent* it

ſelf

ſelf calls them, give to the univerſal Biſhop of theſe Flocks, whom they have ſtarv'd to fill their own Purſes? Or whence can the greedy Humour of heaping up ſo many Steeples ſpring, but from the wretched, inſatiable *Love of Money*, which is ſo unbecoming a Clergyman, who pretends a Concern for the Salvation of Souls, and therefore ſhould not gratify his filthy Lucre at the Price of their Blood?

We are ſo far from ſpeaking this, as grudging the Clergy the juſt Encouragement of their Labours, that if a more fair and juſt Diſtribution of the legal Maintenance would not ſufficiently provide for all, we ſhould think it worthy the pious Zeal of his Majeſty and the Parliament to find out Ways of ſupplying that Defect. But, in the mean Time, as the Difference of the Value of the Benefice will have room enough to reward the different Abilities of the Clergy; ſo we cannot but regret it, that the greateſt Load of exceſſive Preferments is uſually heap'd, not on thoſe that deſerve, but on thoſe that ſeek them. The importunate Ambition of the Latter putting them on theſe baſe Methods to compaſs their Deſign, which the Probity as well as Modeſty of the Former debars them from.

Having ſaid ſo much about Pluralities, we ſhall be more brief on the other Head of *Non-Reſidence*. We ſhall not inſiſt on the XLII, XLIII, and XLIVth Canons, which relate to the Deans, Prebends, and Canons in the ſeveral Cathedrals and Collegiate Churches, becauſe theſe concern the Clergy more than us; only we cannot but commend the great Care of the Church, in its Injunction to the Deans, who muſt providently ſee that the Petty-Canons, Vicars, Choral, and other Miniſters of the Church, have a *Latin* as well as *Engliſh* Teſtament. We ſuppoſe this Caution was, leſt the lazy Fellows ſhould forget all they had learn'd at School: And *Greek*, it ſeems, is as little expected from them as *Syriack* or *Arabick*.

The XLVth enjoins the Reſident Clergy one Sermon every *Sunday*, when they have no juſt Impediment. The XLVIth and XLVIIth run thus,

XLVIth. *Every beneficed Man, not allow'd to be a Preacher, ſhall procure Sermons to be preach'd in his Cure once in every Month at leaſt, by Preachers lawfully licens'd, if his Living, in the Judgment of the Ordinary, will be able to bear it. And upon every* Sunday, *when there ſhall not be a Sermon preach'd in his Cure, he or his Curate ſhall read ſome one of the Homilies preſcrib'd, or to be preſcrib'd, by Authority, to the Intents aforeſaid.*

XLVIIth. *Every benefic'd Man, licens'd by the Laws of the Realm, upon urgent Occaſions of other Service, not to reſide upon his Benefice, ſhall cauſe his Cure to be ſupply'd by a Curate that is a ſufficient and licens'd Preacher, if the Worth of the Benefice will bear it: But whoever has two Benefices ſhall maintain a Preacher, licens'd in the Benefice, where he does not reſide, except he preach himſelf at both of them uſually.*

Theſe Canons, eſpecially the Former, do ſo evidently expoſe themſelves, that they ſave us the Labour of any long Remarks upon them. We cannot but think it ſtrange, that a Man may be the Incumbent of a Cure, and conſequently enjoy both the Name and Revenues of a Miniſter to that People, who is not ſo much as *licens'd to preach*; nay, ſo mere a Layman, that according to *Can.* XLIX. he muſt not take on him *to expound, in his own Cure, or elſe-where, any Scripture or Matter of Doctrine*; and the higheſt Privilege allow'd him is, that he ſtudy to read plainly, and apply, without *gloſſing or adding, the Homilies* already ſet forth, *&c.* I perceive there may be *Ignoramus Miniſters*, as well as *Lawyers* or *Jurymen*; and if our Church do not wrong them by the ſevere Reſtraint this Canon lays on them, they are more fit to be ſent to School to *con* their Leſſon, than into the Pulpit to inſtruct the People. But tho' we cannot admire the Wiſdom of our Church, in allowing ſuch mean Benefices, yet we muſt acknowledge her great Charity towards them and their Curates, in providing

ding ſo good a Help as the Book of *Homilies* for thoſe whoſe *Eyes* are the only conſiderable Talents that God Almighty has thought fit to bleſs them withal.

We ſhall add no more under this Head; but that we wiſh the *Simoniacal Oath* were ſtrong enough to keep out all ſecret Arts of purchaſing Preferments; and we think it highly adviſable, that according to Archbiſhop *Uſher*'s Model, *Art.* 2. in every Deanry, the Miniſters of particular Pariſhes might be cenſurable for Errors, or groſs Neglects in their Office, *&c.* with Liberty of Appeals to a Dioceſan Synod, if need be.

But that the Clergy may not think us, in theſe two Articles, too ſevere on them, and partial to our ſelves, we ſhall propoſe it to the Wiſdom of our Governours, whether the Power of *Patrons* in preſenting to Livings ſhould not be ſo far reſtrain'd, as not to impoſe a Miniſter on any Pariſh without their Conſent. The late very Learned Biſhop of *Salisbury* in his *Regalia*, as well as others, hath made it undeniably evident, that this was the Practice of the Univerſal Church for 600, if not 1000 Years after our Saviour's Time. And therefore, tho' we would have ſo much regard paid to the Charity of our Anceſtors, as not to exclude Patrons from a Privilege, enjoin'd on that Score, by ſo long Preſcription, yet we would be heartily glad 'twere render'd conſiſtent with this Ancient Privilege of the People too, that the primitive Practice in this Particular might be reviv'd. If indeed the Parſon alone were to be ſav'd, or damn'd, not only for himſelf, but his Pariſhoners too, 'twere no great Matter to the People who he be; but if they muſt anſwer for their own Souls, 'tis but reaſonable they ſhould be ſatisfy'd whom they truſt with the Conduct of them.

And how liberally ſoever Patrons have endow'd any Churches, 'twere but a hard Bargain they make with the People to require them, by implicite Faith, to acquieſce in whatever Miniſter they or their Heirs ſhall ever recommend to them. Nay,

Nay, ſome would not have Patrons impoſe on our Clergy any more than on the People. There are ſeveral ſecret Ways of purchaſing a Benefice, which ſome Patrons oblige the Clergy to, without making a downright Bargain; and we would not have ſo much as the courting of an *Abigail* to be the Price of it.

SECT. VI.

Of Reforming Manners in People.

LEST the Fear and Apprehenſion into which the Words, *Alteration* and *Review*, may caſt ſome Church-Bigots, ſhould be fatal to them; we ſhall now labour to recover them, aſſuring them that there are ſome of the old Canons we deſire may be reinforc'd, and that the Subjects to which they relate, may be conſider'd and examin'd, *viz.* ſuch as order the Cenſures of the Church to be inflicted upon all Perſons notoriouſly wicked, that they may be hinder'd from coming to the bleſſed Sacrament, with ſuch Frequency, and in ſuch Numbers, as they now ordinarily do, particularly, *Can.* XXVI, which runs thus:

'No Miniſter ſhall in any wiſe admit to the re-
'ceiving the Holy Communion any of his Cure or
'Flock, which he openly knows to live in notorious
'Sin, without Repentance; nor any who have ma-
'liciouſly and openly contended with their Neigh-
'bours, till they ſhall be reconcil'd, nor any Church-
'Warden or Side-Man, who, having taken their
'Oaths to preſent to the Ordinary all ſuch publick
'Offences as they are particularly charg'd to en-
'quire of in their ſeveral Pariſhes, ſhall, notwith-
'ſtanding their ſaid Oaths, and that their faithful
'Diſcharge of them is the chief Means whereby
'pub-

'publick Sins and Offences may be reform'd and 'puniſh'd, wittingly and willingly, deſperately and 'irreligiouſly, incur the horrible Crime of Perjury, 'either in neglecting or refuſing to preſent ſuch of 'the ſaid Enormities, and publick Offences as they 'know themſelves to be committed in their ſaid 'Pariſhes, as are notoriouſly offenſive to the Con-'gregation there, altho' they be urg'd by ſome of 'their Neighbours, or the Miniſter, or by their Or-'dinary himſelf, to diſcharge their Conſciences, by 'preſenting them, and not to incur ſo deſperately 'the ſaid horrid ſin of Perjury.

We do humbly requeſt that, according to this Canon, ſome effectual Proviſion may be made to hinder all ſuch wicked Perſons from our Communion, which are a Scandal and Reproach to any Church, much more to us, that the Matter may be ſeriouſly weigh'd, and whether more proper Methods than thoſe hitherto reſolv'd on may not be found out and ſettled. For to ſpeak on the Behalf of the Laity, as the impoſing ſuch a Task on us, or the Church-Wardens, is very hard and ſevere, ſo it hath been unſucceſsful to the Purpoſe for which it was intended, and is likely always to prove ſo, tho' the Canon ſays, That the Church-Wardens and Sides-Men's faithful Diſcharge of their Oaths, in preſenting Offenders to the Ordinary, is the chief Means whereby publick Sins and Offences may be reform'd and puniſh'd. For it cannot be probably expected, that they ſhould diſcharge this Office with that Fidelity and Care which is requiſite in a Buſineſs of ſuch Importance, if we conſider either the Manner of their preſent Choice, the multiplicity of Secular Affairs, in which they are unavoidably engag'd, the Temptations to which they may be expos'd, either by Neighbourhood, Acquaintance, Friendſhip, or Dependance upon others, and not to mention the ſmall Reverence which is paid to Oaths by the Generality of Perſons in this diſſolute Age, which ought to be conſider'd, nor the Tricks of waving the taking them,

them, which the Corruptions of our Spiritual Courts hath ſupply'd us with: It cannot be imagin'd, but that while Men are called to this Office by turns, and the worſt as well as the beſt Pariſhioners are choſen to it, and while Men are govern'd by their worldly Intereſt, either no Preſentation at all ſhould be made, or thoſe that are, ſhould be *omnia bene*. Beſides, ſhould theſe Lay-Officers be Perſons of Sobriety and Integrity, and out of regard to their Oaths, the Peace of their own Conſciences, and the good Comfort of their Chriſtian Neighbours, make exact and juſt Preſentations, yet according to our preſent Conſtitution they are bound to carry them into the Spiritual Courts, and what becomes of them when they are lodg'd there, all the World knows. Inſtead of impoſing ſutable Penance, Money ſhall be extorted by a Body of Men who have already ſhew'd us, that they can ſet Indulgences to Sale, and that they are willing Men ſhould ruin their own Souls and go very quickly to Hell, provided they will pay them *Toll* for their Paſſage. We are therefore of the Opinion, that a Convocation ſhould conſider whether the Inſpectation into the Manners of the People ſhould not be entruſted ſolely with the Miniſters and Prieſts, and this determin'd and judg'd to be one Part of the Paſtoral Care? Whether it be not now abſolutely neceſſary to authorize and impower all Miniſters and Curates to obſerve the Lives of their Pariſhoners, to admoniſh them privately and publickly, to pronounce the Cenſures of the Church either of Suſpenſion or Excommunication, according to their ſeveral Lives and Offences. They may be appointed to do all this in Subordination to the Biſhop or the Ordinary, tho' we think 'tis requiſite they ſhould be exempted from the Juriſdiction of the Spiritual Court: they may be ſtill accountable to the Biſhop, and be oblig'd to acquaint him with the Reaſons and Manner of their Proceedings, and be liable to be puniſh'd by him, if they either misbehave themſelves or neglect their Duty. Let this

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Authority and Power be inveſted in them in ſuch a Subordination, and let it be declar'd and eſteem'd as an eſſential Branch of the Paſtoral Office; and in our Apprehenſions it will be a more effectual Way to redreſs this Diſorder than the other. That which ſuggeſts this Propoſal is our *Communion-Rubrick*, which requires all Perſons, that intend to communicate, to ſend in their Names to the Curate, and orders him to admoniſh thoſe that are unfit, that they ſhould not preſume to come. Now if this were duly obſerv'd, and the Curates likewiſe impower'd to reject ſuch as ſhall, notwithſtanding their Admonition, dare to preſent themſelves, and to pronounce either a Sentence of Suſpenſion or Excommunication againſt them; we conceive this will be a more proper and effectual Method to preſerve our Communions pure, than that other of committing it to the Church-Wardens, who are too often careleſs and unconcern'd about a Matter of ſuch a ſpiritual Nature, or ſuch as deſerve to fall under the Cenſures of a Church themſelves. It would be no hard Matter for our Convocation to fix and ſettle this Authority and Power, that the Curates ſhould be inveſted with its juſt Bounds and Limits: This we propoſe with all Humility to Perſons, that by their Sagacity and Wiſdom may ſoon find out better Ways than we are able to do. But that which we earneſtly and importunately requeſt is, that they would reſolve upon ſome Courſe for the preventing Men of the moſt profligate Lives and Principles from joining themſelves to our Communion, and partaking of the moſt Holy Sacrament. And we hope our *High-Flyers* will not charge us with a Deſign of pulling down the Houſe, ſince we only demand that thoſe Spiders, which have fill'd every Corner of it with their Cobwebs and Venom, may be ſwept out; and are willing that the Beſom with which it is to be done, ſhould be put into the Hands of our Prieſts and Clergy.

The Reaſons of our Requeſt are ſuch as theſe:

1. Becauſe, according to the Doctrine of our Church, theſe Perſons have no Right at all to partake of the Sacrament, and to celebrate theſe Holy Myſteries; for ſhe appoints the Curate (*a*) *to advertiſe and admoniſh ſuch as theſe, that in any wiſe they preſume not to come.* In her Exhortation ſhe tells us, that it is to be adminiſtred only to thoſe *who are devoutly and religiouſly diſpoſed*; and that, if any who do not repent of their Sins, but live in them without Amendment, do come, the Communion does *nothing elſe but encreaſe their Damnation.* And we are told, that Perſons that live in Variance and Contention, or in any known Sin, muſt not be admitted, becauſe 'tis contrary to the Communion of the Body and Blood of Chriſt. So that theſe Men are really Intruders, and thruſt themſelves as Gueſts to our moſt holy Table, contrary to the expreſs Commands of the Church; and when we deſire that they may be caſt out, it is no way Injurious or Prejudicial to them, but tends to their Benefit and Advantage. 'Tis as charitable and juſt as to ſnatch a Cup of Poiſon out of the Hands of a Madman, who is boldly going to drink it.

2. The admitting ſuch Perſons to the Sacrament, is a very high Encouragement to the Decauchery and Wickedneſs that now reigns amongſt us, when theſe ſhall have as free Acceſs to this holy Table, as Perſons of the higheſt Sobriety and Virtue; when they ſhall ſhelter themſelves under our very Altars, and none have Power or Commiſſion to pluck them from thence, what can be expected but that Impiety and Profaneneſs ſhould overflow us as a mighty Stream. They have already learnt to ſtop the Mouths of their own Conſciences, and our Mouths too, when we offer to rebuke them, by ſaying that they are good Chriſtians and Members of the Church as well as we. They perſuade themſelves, that their being of our

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(*a*) *Rubrick-Communion, Exhort. bef. Commun.*

Church

Church here doth give them an undoubted Title to a Place among the Aſſembly of the Firſt-born: and while they have ſuch Apprehenſions as theſe, we muſt expect they ſhould indulge themſelves in all manner of Immoralities. And now, ſhall the Holy Sacrament be proſtituted to countenance and encourage ſuch fatal Preſumptions as theſe, to ſtrengthen the Hands of the Vile, and cauſe them to commit Sin with all imaginable Boldneſs, and without any Remorſe? Shall we turn the Cup of the Blood of Chriſt into the Cup of Devils, as the Apoſtle expreſſes it in 1 *Cor.* 10. 21. not only by permitting thoſe who offer up themſelves as Sacrifices to the Devil, to drink of it, but by making it as effectual to the promoting the Intereſt of Satan, as tho' he himſelf had really inſtituted it?

3. Becauſe ſuch a Practice as this tends to the increaſing the Numbers of the diſſenting Conventicles. For tho' they are not without faulty Members, as well as we, yet it muſt be confeſs'd, that they are very careful to keep and purge out all that are openly ſcandalous in their Lives. We indeed excel them in our Epiſcopal Government, the Decency and Order of our Worſhip, in the Numbers of ſober and learned Clergy; but in this Particular we are more defective than they, there is not ſo much of this unhappy Leaven amongſt them as there is amongſt us; ſo that many Perſons of ſtrict Piety, who are burden'd and griev'd with this Diſorder, will be tempted to deſert us, and join with them; and they being not acquainted with the Diſtinctions of learn'd Men, will be more eaſily led into ſuch an Error. And if a ſpeedy Reformation be not made in this Matter, we muſt expect the Number of thoſe who are the greateſt Ornaments of our Communion, out of a pretended Concern for their Edification, will leave us. For,

4. We muſt now acknowledge and declare, that the Admiſſion of ſuch as theſe very much hinders our Edification, and makes us take the *Holy Sacra-*

ment with much leſs Joy and Comfort than we might otherwiſe do. As we belong to a Church that not only recommends the moſt enlarged Charity, but is celebrated for it, ſo we hope we are not without ſome Meaſure of that Love to God, and the Souls of Men, which ſhe requires in all her Communicants; and being influenced by this, we cannot, with unconcern'd Eyes and Hearts, behold theſe Men profane the Name of God, and eat and drink Damnation to themſelves, as our Church explains it, (a) *Diſeaſes, Death, and the Wine of God's Wrath.*

'Tis with a great and ſincere Sorrow, that we obſerve Perſons guilty of the higheſt Impurities, allow'd to come to the Holy Communion, who ought to be driven from it. Our Peace and Benefit would be much greater in our Approaches to it, if we did not find there ſome, who, but a few Hours before, were venturing their Lives in the Quarrel of a Strumpet; others who ſpent the laſt Night in Revelling and Drunkenneſs, and when they join themſelves to us, ſeem to take us for a Crew of merry Companions; others, that juſt before the Communion, were belching out Oaths and Curſes, and ſoon after the End of it, will pour out whole Vollies of them again, &c. and if there were none allow'd to kneel there, but ſuch as were ſober and vertuous, devoutly and religiouſly diſpos'd. We muſt therefore be excus'd, if after ſo long a Silence we take the Liberty to expreſs our Reſentments in this Matter, and to declare that we do, with a very paſſionate Grief, ſee the Holy Bread and Wine touch'd by ſuch polluted Hands and unhallow'd Mouths, eſpecially when we fear and expect, that after the taking of theſe, according to the Threatning denounc'd by our Church, (b) *The Devil ſhould enter into them, as he did into* Judas, *to fill them full of Iniquities, and bring them to*

(a) *Exhortation before the Communion.*
(b) *Ibid.*

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Deſtruction both of Body and Soul. And we would add, that while we have a warm and zealous Regard to the Honour of God Almighty and his Sacraments, and the Good of others, we ſhall have the ſame Senſe and Apprehenſions.

But to conclude this Subject, that our *Convocation* may be ſtirred up to a more vigorous Zeal and Diligence in the framing new *Penitentiary* Canons, or reforming the Old, we would with all Modeſty and Submiſſion remind our Fathers and Guides of the Promiſes they made at their ſeveral Ordinations, and of the ſolemn Charge they receiv'd from our Church; which is in theſe Words, (*a*) 'Wherefore conſider 'with your ſelves, the End of your Miniſtry towards 'the Children of God, towards the Spouſe and Body 'of Chriſt; and ſee that you never ceaſe your Labour, 'your Care and Diligence, until you have done all 'that lies in you, according to your bounden Duty, 'to bring all ſuch as are, or ſhall be committed to 'your Charge, unto that Agreement in Faith and 'Knowledge of God, and to that Ripeneſs and Perfectneſs of Age in Chriſt, that there be no Place 'left among us, either of Error in Religion, or for 'Viciouſneſs of Life.' And ſince we ſhall not entertain a ſuſpicion of their Readineſs to diſcharge their Offices with the utmoſt Fidelity, of their Willingneſs to pay a chearful Obedience to the Commands of our common Mother, we will not queſtion their gratifying our deſires in this Particular.

(*a*) *Form of Ordaining Prieſts.* Sparrow 125.

SECT. VII.

Of the Examination of such Persons as desire to be admitted into Holy Orders, both as to their Learning and Manners.

'TIS the unhappy Neglect of this, has not only over-stock'd our Church with a Shoal of supernumerary Clergy, but given too many the Opportunity of crouding into Holy Orders, whom their Parents only thrust on the Service of the Church, because they knew not how to dispose otherwise of them. And yet it must be own'd, that the Canons of our Church are not altogether chargeable with this Neglect: For the XXXVth Canon enjoins the Bishop, before he admits any Person into Holy Orders, *to examine him in the Presence of those Ministers that shall assist him in the Imposition of Hands*; or at least take Care that the foresaid Ministers *examine him if he have any lawful Impediment.* We could heartily wish the Bishop might accordingly do it more constantly himself, in the Presence of such as assist at the Ordination, and not leave it so generally to the Archdeacon, or one of his Chaplains. And 'twere highly advisable that the particular Trials, which every Candidate for sacred Orders must pass, in order to give a good Specimen of his Proficiency in Human Learning, and especially in the Study of Divinity, were prescrib'd: For it can by no means be thought a sufficient Evidence of a Man's being qualify'd for that Sacred Function, that he can construe a Piece of the *Latin* Testament; and resolve that grand Question of *Quot sunt Symbola? &c.* The admirable Care of many foreign Churches, particularly the reformed Churches in *France*, about the Admission of their *Proposants*, is a very commendable Pattern. And even in this Point the *Directory* (how idle a Book soever it may be in other Things) has the

the Advantage of any thing preſcrib'd in this Canon, which is too lax and general. And we would farther offer it to Conſideration, Whether what the XXXIVth Canon enjoins in the Caſe of a Biſhop's ordaining a Man that is not of his own Dioceſs, ſhould not hold alſo in his ordaining thoſe that are; *viz.* That he ordain no Perſon, but ſuch as ſhall exhibit *Letters Teſtimonial of his good Life and Converſation, under the Seal of ſome College in* Cambridge *or* Oxford, *where before he remain'd; or of three or four grave Miniſters, together with the Subſcription and Teſtimony of other credible Perſons, who have known his Life and Behaviour by the Space of Three Years* next *before.*

The CONCLUSION.

Having thus paſs'd through the ſeveral Heads abovemention'd with a Deſign, for the advancing the Honour and Service of Almighty God, for the Good and Quiet of the Church, and for the better Government of it, we do not doubt but the Propoſals we have made, if attended to, would have ſuch an Iſſue: And we hope we ſhall not be cenſur'd for invading the Prieſt's Office in what we have done. A Man needs not the indelible Character to do the Office of a Sexton, ſweep the Duſt and Filth out of the Church, and laſh *Tobit*'s Dog out of the Sanctuary, and that is what we have deſign'd. We have, in our own Apprehenſions, conſulted the Honour and Service of Almighty God, ſince what we deſire tends to the more pure and orderly celebrating of his Worſhip, to the Removal of thoſe Abuſes, which are as provoking to him as they are diſpleaſing to us; and may incline him, who hath hitherto, by many Miracles of Mercy and Power, defended and preſerv'd us, to give us yet more ſignal Teſtimonies of his Favour and Bounty. And that we have aim'd at the Good and Quiet of the Church, is likewiſe eviden, ſince what we propoſe will render her Offices

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leſs liable to the Exceptions of our Adverſaries, and more profitable to us, will encreaſe her Purity and Splendor, will add to the Number of her pious and ſober Members, will make her Government more conformable to the Primitive Pattern, and eſtabliſh it on more laſting and ſolid Foundations, and free her Children from many of the preſſing Grievances they groan under.

To ſum up all: If the Deſires and Wiſhes of the firmeſt Friends to our *Zion* were comply'd with, by a Reformation of Errors and Abuſes, the Church of *England* might ſtand and flouriſh as the Envy and Glory of all the Reform'd Churches, impregnable to the feeble Attacks of her Enemies, and be adorn'd with a very great Purity and Brightneſs. But if they be ſcorn'd and deny'd, we may juſtly expect to fall under an indelible Infamy and Reproach, to have our Strength and Members leſſen'd and abated, to be cruſh'd by the Artifices and Deſigns of our ſtrong and numerous Adverſaries, and to have *our Church*, and all the *Abuſes* which remain in her, taken away together, by ſome Revolution that we look not for.

FINIS.